

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
JANUARY 17, 2006

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBAN DALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Vice Chairperson Jerry Peckumn at 10:00 a.m. on January 17, 2006 in the Ingram Office Building, Urbandale, Iowa.

COMMISSIONERS PRESENT

Suzanne Morrow
Jerry Peckumn, Vice Chair
Donna Buell
Francis Thicke
Mary Gail Scott
David Petty
Lisa Davis Cook, Secretary
Henry Marquard

COMMISSIONERS ABSENT

Darrell Hanson, Chair

ADOPTION OF AGENDA

Commissioners agreed to change the public participation speaker time for individuals from 4 minutes to 3 minutes for future meetings.

Motion was made by Donna Buell to approve the agenda as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Francis Thicke to approve the minutes of the December 19, 2005 meeting as presented. Seconded by Lisa Davis-Cook. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTORS REMARKS

Jeff Vonk said that there are some important issues being brought forward today that are intended to address environmental concerns, particularly water quality.

The Commissioners role in public policy and the administrative process is very important and critical. The final rulemaking for water quality standards will be voted on today that will define

in essence a road map for Iowa to move forward in beginning a more extensive job of protecting our waters. It's important that we vote for these water quality standards.

We believe that it's better for the state and for the resource that we start with the first assumption that our water should be held to a high standard. As a society, business and industry, we should strive to achieve the highest standard possible and justify a lower standard.

Regarding the economic impact, a lot of the talk being used is mainly to act as a scare tactic. I don't think the record this department had with working with small communities would bear the fact that we would put any community out of business due to these rules. Change will have some economic impact. We have technologies, the will and ability to achieve higher standards for water without having an undue economic burden. We have drafted a rule that meets the requirements of the Clean Water Act and I encourage your final approval, so we can move forward with the next steps of implementation.

Before you today is the Notice of Intended Action for the department rule regarding evaluation, denial of or condition of construction permits or disapproval or modification of MMP's for confinement feeding operations. We are just beginning the journey with this rule for water quality. We welcome comments and suggestions for this rule and ask that you approve this NOIA today.

Donna Buell thanked the DNR for their work in getting the rules before us today.

INFORMATIONAL ONLY

IDPH CONTRACT FOR BROWNFIELD ASSISTANCE

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Background

This brief is provided to the Commission for its review and as a request for approval of the continuation of a contract between the department and the Iowa Department of Public Health (IDPH) to enhance Brownfield redevelopment efforts in Iowa.

Brownfields are abandoned, idled, or underused industrial and commercial properties, where resale or redevelopment has been hindered by known or suspected environmental contamination at the site. As an example, a Brownfield may be the site of a former factory, dry cleaner, fertilizer plant, chemical warehouse, or a petroleum bulk plant. It is estimated that more than 4,000 Brownfield sites exist in Iowa.

Brownfield sites are often perceived as causing harm or risk to the public's health, due to suspected contaminants that may be at the site. These public health concerns further impede site

redevelopment and reuse, especially when public health conditions at a site have not been fully studied or reviewed to determine if a risk exists.

Iowa Department of Public Health Assistance Contract

The department proposes to contract with the IDPH in the amount of \$60,000 to facilitate the IDPH's advisement, assessment, and study regarding public health risks at selected Brownfield sites. IDPH will also assist in the development of policy and process improvements designed to provide clear, quantifiable information and guidance on risk-based standards and risk calculations for toxic substances.

Project Specifics

The following projects will be key components of the contract between IDPH and the department:

1) Risk-Based Standards/Calculations Guidance Document

In accordance with paragraph 567 IAC 137.5(3)"c" and subrule 567 IAC 137.5(10), IDPH will assist the department in the development of a guidance document that contains factors that are necessary to establish risk-based standards and conduct risk calculations:

- cancer group classification
- oral reference dose and cancer slope factor
- dermal reference dose and cancer slope factor
- dermal absorption factor
- inhalation reference concentration
- inhalation unit (cancer) risk
- target organ(s) for non-cancer impacts from oral and inhalation exposure

2) Brownfield Public Health Assessments

The department may request that the IDPH review testing and analytical information about hazardous substances at a Brownfield site, as provided by the department, and IDPH will be prepared to provide a Health Assessment, Health Consultation, and/or Health Education and Promotion outreach activity, through IDPH's Hazardous Waste Site Health Assessment Program. These health assessment services will provide the public with clear and concise information and evaluation about hazardous substances at a Brownfield site and how exposure may affect the general public. An estimated six (6) public health consultations will be requested during the contract period.

Contract Funding

The department's Iowa Brownfield Redevelopment Program is funded by a United States EPA grant. Grant funds are used to conduct site testing at Brownfield sites, to enhance the department's policies and programs to encourage environmental improvement and redevelopment of Brownfield sites, and to enhance the protection and improvement of the

public's health. The EPA has budgeted \$650,000 for receipt by the department during state fiscal year 2006..

This proposed contract with IDPH has been included in the Brownfield work plan as approved by the US EPA for Federal fiscal year 2005-06 funds awarded to the department. The contract period with IDPH would be in effect through December 30, 2006.

Motion was made by Donna Buell to approve the contract with Public Health as presented. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - AMEND IAC 567-CHAPTER 101; "SOLID WASTE COMPREHENSIVE PLANNING REQUIREMENTS"

Mark Warren in the Energy & Waste Management Bureau presented the following item.

The Commission is requested to approve the attached Final Rule amending IAC 567-Chapter 101 "Solid Waste Comprehensive Planning Requirements." The Notice of Intended Action for this rulemaking was approved by the Commission in October 2005. This rule revision is needed to implement HF 399 that was passed by the 2005 General Assembly.

The request for action on this rule chapter is to incorporate minor amendments pertaining to solid waste comprehensive planning and the disposal of solid waste by planning areas at sanitary landfills located in another planning area. These revisions will add flexibility for planning areas in addressing the comprehensive planning requirements.

Under this rule, a planning area that closes all of its municipal solid waste sanitary landfills and uses a transfer station to send all waste to a RCRA Subtitle D compliant sanitary landfill located in another planning area, is allowed to retain its autonomy for solid waste comprehensive planning purposes. These changes directly reflect changes to Iowa Code per HF 399.

A public hearing was held on December 2, 2005 at the Wallace State Office Building in which no oral or written public comments were received, and therefore no changes were made to the rule as proposed and no responsiveness summary is needed.

The Commission is requested to approve this Final Rule.

Motion was made by Lisa Davis Cook to approve the final rule as presented. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE – RESCIND IAC 567—CHAPTER 211 “GRANTS FOR REGIONAL COLLECTION CENTERS OF CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS AND HOUSEHOLD HAZARDOUS WASTES”. ADOPT BOTH IAC 567—CHAPTER 211 “FINANCIAL ASSISTANCE FOR THE COLLECTION OF HOUSEHOLD HAZARDOUS MATERIALS AND HAZARDOUS WASTE FROM CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS” AND IAC 567—CHAPTER 123 “REGIONAL COLLECTION CENTERS AND MOBILE UNIT COLLECTION AND CONSOLIDATION CENTER” IN LIEU THEREOF.

Theresa Stiner, of the Energy & Waste Management Bureau presented the following item.

The Department is requesting the Commission approve rescinding Iowa Administrative Code (IAC) 567—Chapter 211 “Grants for Regional Collection Centers of Conditionally Exempt Small Quantity Generators and Household Hazardous Wastes” and replacing current 567—Chapter 211 with new IAC 567—Chapter 211 “Financial Assistance for Collection of Household Hazardous Material and Hazardous Waste From Conditionally Exempt Small Quantity Generators” and IAC 567—Chapter 123 “Regional Collection Centers and Mobile Unit Collection and Consolidation Centers”.

IAC 567—Chapter 211 will be rescinded; however, the requirements are split and updated into two new chapters. New IAC 567—Chapter 211 will be dedicated to the financial assistance for collection of household hazardous materials and materials from conditionally exempt small quantity generators. IAC 567—Chapter 123 will be dedicated to the permitting requirements for Regional Collection Centers (RCCs) and Mobile Unit Collection and Consolidation Centers (MUCCCs).

The changes to IAC 567—Chapter 211 will move the application ranking from the rule to the application guidelines to allow greater flexibility in funding projects that best meet the intent and goals of the program. New IAC 567—Chapter 211 also outlines the eligibility requirements for semiannual assistance payments to RCCs and MUCCCs.

The changes to IAC 567—Chapter 123 will consolidate all the RCC permitting requirements from IAC 567—Chapters 102, 104 and 211 into one chapter. There are several changes to the RCC permit requirements. First, all permitted RCCs will be required to file a semiannual report, rather than just those seeking reimbursement.

Second, the closure plan requirements will be revised so that they are more applicable to the concerns of an RCC. Furthermore, an education plan will be required as part of the permit.

IAC 567-Chapter 123 also establishes a new permit, Mobile Unit Collection and Consolidation Centers (MUCCC) for collection systems that utilize mobile collection events on a regular basis, but do not provide public access to a fixed facility. The permit requirements for the MUCCC are very similar to the RCC permit requirements, however they must provide the dates and locations of the mobile events. The events must total at least 16 hours a month in each county served.

Finally House File 602 of the 2005 Legislative Session amended Iowa Code 455F, which is the basis for RCC reimbursements. The Code changes transition the monies the Department utilizes for RCCs from a primary allocation for establishment grants to a primary allocation for reimbursement. Moreover, the Code changes allow eligible private agencies that collect household hazardous materials (HHM) and are part of a comprehensive plan to receive assistance. Thus, minor amendments to the administrative rules have been made to reflect these Code changes.

The Commission approved the Notice of Intended Action at the October 2005 meeting. The Department held a public hearing on December 5, 2005, in the Wallace State Office Building in Des Moines. No comments were received, and therefore no changes were made to the proposed rule and no responsiveness summary is needed.

The Commission is requested to approve this Final Rule.

Motion was made by Donna Buell to approve the final rule for Chapter 211 as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

SUSAN HEATHCOTE, representing the Iowa Environmental Council spoke to the water quality standards. We believe this is a fundamental shift in the direction that the state is going, assuming the highest level of protection for the waters of the state. We do appreciate Director Vonk's comments. We are making some corrections to our general use criteria that has been identify by the EPA that is inconsistent with the Federal Clean Water Act.

The Commission has been working on these standards for over a year but the Department started back in 1997, when they received a letter from EPA notifying Iowa of deficient water quality standards. IEC, Sierra Club and the Hawkeye Fly Fishing Association worked very closely with the DNR and EPA to get the fundamental changes done and standards before you today.

These rules do meet the minimum requirement of the Clean Water Act. We need to approve these rules as proposed.

GREG SINDT, an environmental engineering consultant, a member of the Iowa Water Pollution Control Association and the DNR Technical Advisory Committee on Water Quality Standards. The following comments and opinions are shared by fellow professionals and address the concerns of many of our clients that include municipalities and industries. David Rotschafer, President of the Iowa Water Pollution Control Association also endorses these comments.

I, and the groups that I represent, oppose the draft rules.

The DNR did not utilize the TAC concept in the development of these significant proposed rule revisions. I and other professionals, provided technical suggestions to DNR staff as the rules

were drafter and provided technical review comments during the public comment period. In general, the DNR staff did not adopt our comments due to concerns that the EPA would not approve the proposed concepts of the environmental interest groups would file lawsuits over failure to comply with strict and narrow interpretations of the Clean Water Act.

I encourage you to direct the DNR staff to draft rules based on reasonable, technically sound concepts that make sense for Iowans rather than rules based on fear of EPA objections and environmental interest group litigation. The legal and technical interpretation and implementation of the Clean Water Act is complex. I encourage you to require the DNR staff to utilize specialized legal and technical consultants in the refinement of these rules.

I request that the Commission **table the proposed rules and request DNR staff to make the following rule modifications.**

1. **Effluent Dominated Streams.** Establish a designated use for aquatic life protection for small streams whose base flows are predominantly discharges from wastewater treatment plants (effluent dominated Streams). Using a team of experts, develop an appropriate level of aquatic life protection and numerical water quality standards for Effluent Dominated Streams. Include consideration of the limitations of wastewater treatment technology in developing the numerical standards. (The US EPA is supporting this approach in the southwestern US.)
2. **Other Designated Uses.** Established specific designated uses for other, non-aquatic life protection uses such as irrigation water supply, cooling water supply, and livestock water supply. Develop numeric water quality standards for the parameters that impact the suitability for each designated use. Designate streams for these other uses only when the uses exist. The existing narrative standards are not adequate. (This method is being used by other states including Minnesota.)
3. **Reclassification of General Use Streams.** Reclassify the streams that are currently classified only as General Use to Class B(LR WW-2) rather than Class B(LR WW-1) as proposed. DNR has already determined from previous stream assessments that these streams do not meet the criteria for the higher WW-1 designation. The Class B (LR WW-2) designation conforms to the Clean Water Act definition of "fishable". The classification of these streams as WW-1 and subsequent revision to the correct WW-2 classification is a waste of DNR, EPC and regulated community resources.
4. **Develop Numeric Standards for Different Uses.** Using a team of experts, develop appropriate numeric standards for aquatic life protection for each designated use. Currently, the numeric standards for most water quality parameters for aquatic life protection are the same values for all use designations.
5. **Adjusted Standards.** Develop procedures for adjusting the water quality standards on a local case basis using a Petition for Adjusted Water Quality Standards approach. This process provides relief from standards that are demonstrated to be inappropriate for a specific local condition. It differs from the variance approach in that a variance is temporary whereas an adjusted standard is permanent. (Illinois uses this approach.)

The proposed rule revisions have very significant impacts on the allocation of our regulated community's resources. The rules set the structure for the application of both current and future

water quality standards. These rules will be applied to future water quality parameters such as total nitrogen, phosphorus, total dissolved solids, chloride, sulfate, and many other parameters. Therefore, the rules must provide the structure for reasonable and adequate levels of designated use protection that result in efficient allocation of resources for environmental protection.

In summary, I request that the Commission table these rules.

DEBORAH NEUSTADT, member of the Sierra Club and biology teacher addressed use attainability analysis. My students have set up “bottled” environments with plants and water for different species and it just shows that it doesn’t take much for a species to survive. I gathered information from Kansas, Missouri and Washington State. The Washington State approach doesn’t want to do a usattainability analysis, they would like to work with the discharger first because it’s a long and expensive process. It’s being used to down grade a designation. I am very concerned about downgrading our waters. If you have water, you can get anything to live. I hope the usattainability analysis doesn’t become an automatic thing that we do to downgrade our streams from a designation that would have allowed our streams the ecosystem it needs. The Clean Water Act is for restoring the waters of our state. Restore. Restore Iowa’s water.

MIKE BLASER, representing livestock industries addressed item 12 – NOIA on department evaluation of construction permits for feeding operations. It moves Iowa from a defined objective set of standards on siting new livestock facilities to an undefined set of standards. This is a major policy change and should not be made by political appointees. The language in the rule is unintelligible even to attorneys and advisors who work in this area often. The rule places producers in a situation of being required to invest time and money on a proposed operation without any assurance that the director won’t block that operation after the fact. At its core, the rule drafted has no ascertainable standards. If a producer asked the DNR staff or an EPC member what an unacceptable burden is, what would that answer be or what the current concentration is? You would be unable to give an answer because you can’t define it. At the EPC December meeting, it was said that this rule is a water quality rule not an air quality rule. The current law requires that all nutrients from manure be accounted for in manure management plans. So what unacceptable burden could possibly be involved when another producer wants to replace commercial fertilizer with manure and has the land to do, no matter what other existing facilities are in the area. The Des Moines Register editorial staff solution to the uncertainty of this rule proposes the following, “If the DNR approves unreasonably restrictive, the legislators can nullify the rule. Iowa’s livestock producers and their families deserve better than that. They should have a clear set of rules to follow. The rule is bad policy and bad government. If there are specific issues that arose during the 2005 construction season, which we’ve heard about, there is plenty of time to work with the legislators to fix the problems.

Item 10- as drafted if you’re one of the few producers unfortunate enough to now is defined within a 1,000 feet of a water source. The DNR’s solution is that you can’t expand that operation unless you build your new building at least 1,000 feet away from the water source or you provide a secondary containment only for that new building. That doesn’t seem to make much sense if you already have existing buildings that don’t it. I would ask that you would consider grandfathering in those existing facilities for future expansion. I believe there is about ten or twelve.

JIM RUBIS, from Fairfield presented the Commission with a petition that started two weeks ago. In six days, we gathered over 2,000 signatures in the Fairfield area. The petition reads, "We the undersigned residents of Iowa value our rural communities, family farms and quality of life. We support independent family farm producers. We strongly oppose large scale corporate owned factory farms. We believe they can pollute our air and water, threaten our health and lower the value of our homes and farmsteads, deplete the counties revenues, decrease the economic viability of our town, hurt tourism and run small family farmers out business."

We are particularly concerned with the uncontrolled expansions and the ever increasing number of new sites. The IDNR is backlogged and overwhelmed. In addition, the threats to our neighbors, family farmers, air and water are not being addressed, therefore, we the undersigned are calling the state of Iowa to implement a moratorium on any new construction permits and expansions on factory farms until these real problems can be addressed. This is being presented to the DNR, the Governor and the legislators. We have already claimed 1,400 signatures from the Iowa Farmer's union and 6,000 signatures from the Sierra Club. The Friends of Iowa and other interest groups will also be involved.

We are calling for a moratorium. North Carolina has one a moratorium and it's still in effect. There is a problem and we hope something will be done about it.

RICH WHITE, representing the Iowa Limestone Producers Association submitted the following comments.

Each year the citizens of Iowa require between 35 and 40 million tons of crushed limestone. Our members fill that need. Much of what we produce goes into concrete, asphalt and rock roads. In short, our members keep Iowans out of the mud.

I would like to make a few comments regarding the proposed changes to General Permit #5.

The information brought forward by John Warren in agenda item 16, insert a total dissolved solids (TDS) limit and a chloride limit into General Permit #5. We are concerned about those limits for several reasons. The proposed rule also refers to new General Permit #5 fees. We have concerns with that as well.

Let me begin by reviewing the new 1,000 mg/L TDS and 230 mg/L chloride limits.

To understand our concerns, you must first consider the nature of our business. Much of the water involved in our need for a General Permit #5 is groundwater. As you might expect, we do our work in limestone formations. As we quarry, groundwater seeps through the limestone face. It is then gathered in a sump, much like a larger version of the sump you might have in your home. Then as needed, that water is pumped from the quarry sump, to the surface.

A map distributed by the DNR clearly shows that in certain areas of the state, the TDS of groundwater already exceeds 1,000 mg/L. In other words, in some areas, the naturally occurring groundwater will be out of compliance before it seeps into our operations.

TDS can include many things. We believe the relationship between the limestone formations and the water that flows through those formations has a great deal to do with the high TDS levels in these areas. We fully expect to find that the water is picking up the calcium. Not some of the more toxic elements that concern us all.

But we only learned of the new limits on December 13, 2005. We have never tested for Total Dissolved Solids in the past, so we are not at all sure what the levels we might find. We need some time to gather that information. Many operations are shut down in the winter. Companies often shut off pumps if the water is frozen. We simply have not had the opportunity to get a year's worth of testing.

As we understand it, under the new rules, when tests at the point of discharge show a TDS limit in excess of 1,000 mg/L or 230 mg/L chloride, a mathematical calculation, based on the stream flow of the receiving stream will be used to determine if the discharge exceeds the new limits. We do not have complete information on the factors to be used in this new calculation. Information provided by the DNR indicates those factors are being developed.

If, after doing these yet unknown calculations, the discharge is still in excess of the new limits, an additional test called a Whole Effluent Toxicity or WET test will be required. The WET test is a very complicated and expensive test. Each test will cost between \$2,000 and \$4,000. We do not yet know how often an operator will be required to test. IF a quarry operator has several quarries, and/or the operation requires several tests, this will be significant financial burden.

We are also not sure what will happen if a quarry fails a WET test. To my knowledge there is no set protocol.

At this point, the few tests we have had time to run indicate chloride levels well below the new standard. We also feel there is a good possibility that the new TDS limits will not be an issue. However, there are significant unknowns at this point and we want the Commission to be aware of our concerns as early as possible.

In closing this part of my comments, I want to thank John Warren, Angela Chen and Bureau Chief Chuck Corell. They have been very cooperative as we gathered information in recent weeks.

Regarding the proposed fees:

I have testified before this commission previously regarding our opposition to the new fees. Let me say once more, that we understand the need for the proposed \$500 fee for a five year permit. Need is not the issue. Nor is willingness to our part to cover DNR costs related to the regulation of our industry. The issue is the direction of the proposed fees.

Unless legislative changes are made, the fees will go to the General Fund and not the DNR. Once those fees go into the General Fund there is absolutely no guarantee that DNR will see a dime. In fact, we feel it is unlikely the fees will go to the DNR. At that point, they simply become a

tax. We feel strongly the taxation should be left to our elected representatives in the House and Senate.

We would ask the DNR to do one of two things:

1. Pass legislation redirecting the fees to the DNR before finalizing the rule (amend 455B.173) or
2. Add sunset clause to the rule that prevents the rule from going into effect if the fees are not redirected to the DNR.

NEILA SEAMAN, member of the Sierra Club said that they support the water quality standard rules. The present rules are acceptable and approvable to the EPA. Please approve them today.

PATRICK ROUNDS, PMMIC asked the Commission to delay any action on the Chapter 135 final rule regarding UST. If you are unable to delay any action then we ask that you not approve them.

These rules have been discussed for quite some time amongst the industry. We proposed to the Department a program where they could utilize our inspection program to assist them with the regulations on the underground storage tanks. It would not be proper to adopt these rules in their current form. A lot of issues have not been addressed. If our inspections can not be used by the owners that we insure, then all of those owners will have to incur a cost to comply with this rule. This rule requires that every UST facility conduct an inspection annually by a compliance inspector. This is a very heavy burden for the owner when the federal law only requires that every site be inspected once every three years. These rules exceed the federal requirements. Under 455B.474, you do not have the authority to adopt rules that would exceed the federal requirements. We ask that you delay these rules, so we can meet with the department to clarify the rules. The reason the DNR is asking for a final rule today is so they will meet the funding deadline for UST funds.

DAVID KIRSCH, from Wesley Iowa has a farrowing unit 435 to 460 head. Breeding stock is located outside. There is a proposed 4,500 to 5,000 head finishing farm from Iowa Select that will be located near our farm. Our operation will not have a lot of effect on their pigs. I am concerned with disease coming from their operation to my breeding stock. I would be stuck with that disease until the next rotation. We are here to contest the site of the farm. We are not against the facility being built just the location selected. He has a lot of land to work with. We are also concerned with his Matrix. He is building his facility in a waterway that leads to the Missouri Creek. 80% of the surface water where he wants to spread his manure runs into the Missouri Creek which is in Kossuth County, his farm is located in Hancock County. On his Matrix, he has reference to a branch of the Iowa River which is 36,300 feet away and the Missouri Creek is just across the section and he doesn't reference that. They should change and update their manure samples.

In order to maintain disease control, finishing and farrowing operations should be 1.5 to 5 miles apart. The location of the Otis Finisher Farm is located on a secondary road, thus it will bring all truck traffic by our operation.

There will be a legislative discussion on January 25th to address the location of farrowing units in Iowa.

The location of the Otis Finisher Farm becomes an environmental hazard to our farm. There are other sites that he can build on that will reduce the problems greatly. We are asking you to protect our environment. We don't believe we should have to sacrifice our operation so he can have his. He can move his and can both exist.

Once again, I'm not asking Mr. Otis to not build his facility, but to keep it away from mine.

VIOLA FAUST, a farmer near Dexter and member of ICCI said they have 20 head of sows. One day the electricity went out and it was out for a majority of the day. My husband came home to open the doors of the barn and he barely made it to the other end without passing out from the smell of the manure and we only have 20 head. It's bad for our water, health and the air. We need the department rule to evaluate construction permits. Please vote to approve this rule.

RON KIELKOPF, CCI board member supports DNR's proposed Water Protection rule and are calling for its immediate implementation. This rule is exactly what Iowa needs to protect our environment from factory farm water pollution. It is long overdue.

This is a common sense rule that spells out DNR's authority to deny or modify a factory farm construction permit or manure management plan. Any one who is in favor of clean water should be in favor of this rule. We all know the old adage "Keep doing things the same way and expect the same results".

We currently face record numbers of permit applications for factory farms. As long as we have weaker regulations than other states we can expect more CAFOs and more pollution every year. Iowa's list of impaired waters continues to grow, now over 200 water bodies. We have had over 400 reported manure spills in the past 10 years. This doesn't take into account unreported spills, chronic runoff, or seepage into ground water. The number of lakes, rivers and streams contaminated with fecal coliform bacteria is an embarrassment.

It is critical that we get a handle on this right now. The DNR needs the flexibility to say no when it is obvious the siting of a facility will be a problem for a neighborhood of the environment. For example, recently there have been construction permit applications submitted where one site was proposed in a floodplain, another is proposed to be built on ground that is currently in CRP and has slopes of 18% that drain straight into a creek. This just doesn't make sense.

This rule will help to create a culture where factory farm owners really think about the potential for adverse impacts their proposed facility may have and allows for them to address those issues before a problem happens. The state can not continue to rubber-stamp permit applications that have the potential to adversely impact our water.

We urge the EPA to restore language that was removed from the original rule, language that allowed the DNR to consider concentration and proximity to impaired waters. This language just makes sense. If our water is already impaired, why would we want to add to this problem? Manure can be a valuable part of any livestock enterprise but too often it is a great liability for which factory farms accept little responsibility. Iowa pork production claims to be a \$12 billion industry, like any other industry they must be held accountable for the effects they have on the environment.

We urge the EPC to vote yes on this rule. This rule gives the DNR the ability to do their job right. But we can't let this drag on forever. People need a chance to have input and we need to ensure public participation without taking months. With good notification to the public and accessible public hearings, a 20 day comment period allows plenty of time and opportunity for everyone to be heard and will help to ensure the rule is in place when we need it most.

Again, we support DNR's rule and urge you to vote in favor of it.

JEFF HOVE, from the Petroleum Marketers addressed Chapters 134 and 135 – UST rules. As private industry, we are asking that the private PMMIC inspections be allowed for DNR's compliance purposes. Throughout the year and a half of discussions, we asked that written rules stating that the inspections from the private industries or insurers to be acceptable to the DNR. Those inspections are very good and thorough.

We were in agreement with this rule at the last Commission meeting but as of Friday I was notified that insurance inspections may not be adequate. We ask that you hold this rule process for 30 days until the details can be worked out.

DOUG BEECH, Legal Counsel for Casey's General Store thanked the DNR for their work with on Chapters 134 and 135 UST requirements. One issue that we are concerned with is the annual inspection. The EPA only requires one every three years. We proposed a middle ground of one inspection every two years. We ask that it be changed back to the one inspection every two or three years. Parties have worked a long time on this rule. We also believe that there needs to be some clarification with the fee structure and continuing education. This should be delayed for another month until all of the details are worked out.

ROSS WRIGHT, member of ICCI said that they sold their house in town and moved back to their farm with the intent to build a new house. Shortly after the move, they were informed that a large factory farm was being proposed one mile South and another confinement 2 miles North. My wife has many allergies. The site North of us, is highly erodible CRP ground next to a small creek. The creek runs through our farm. We have adopted a couple of children, my nine year old boy needs to be out in the country playing in the creek. If one or two of these are allowed, it only opens up the door for many more. We deserve clean water and clean air. This farm has been in our family over a hundred years, what are we suppose to do. My brother and I have a dream to buy some land and develop it. What if we try to do that and a large confinement moves in? We would go bankrupt.

ROSEMARY OSHEIM, member of ICCI from Story City said that her land is in the Skunk River Watershed. We support the department evaluation of construction permits in efforts for clean waters. It is a good rule not a perfect rule and we need it now. The placement of confinement feeding operations is crucial. The Clean Water Act requires the DNR about the impact of new sources into impaired waters. We urge you to vote yes on this rule.

CHRIS GRUENHAGEN, representing Iowa Farm Bureau Federation said that everyone wants clean water but the questions that need to be asked is what are Iowans willing to pay for it and is there a better way to accomplish the same goals. The key component of the Iowa Farm Bureau's strategic plan is to improve rule vitality. The water quality standards rule will have a disproportionate impact in rural Iowa.

The direct costs of this rule:

The costs are not spread evenly across Iowa.

Can rural Iowa afford the economic retraction offered in this rule?

The indirect cost of this rule:

This rule is foundational and has impacts far beyond the immediate impact statement. Every rule adopted in the future will have impacts because of this rule. Whether it's for numeric standards for TDS, chlorides or nutrients.

Are Iowan's willing to pay for this rule? The implementation of this rule will impact rural Iowans as well. DNR can not tell us what streams will be designated with this rule. They don't know what interment streams have perennial pools. We are told that use attainability analysis will be used to make those determinations. But as we found out there are not plans to do UAA's for streams without point sources. The resulting impact is that too many streams will be designated for inappropriate uses. It will make it difficult for new businesses to locate in rural areas and Iowan's will get the false impression that the streams are bad. Adjoining landowners will be presumed guilty and will have to take time to prove their innocence at their own costs. Do ordinary citizens have the time and money to do UAA's and to pay for upgrades. We urge you to table this proposal and direct the department to revise this rule.

CHRIS PETERSON, member of the Iowa Farmers Union and family farmer supports David Kirsch's comments regarding Otis Finisher Farm. The permit should be denied on a variety of concerns. Hog confinements proposed by non local controlling interests in Iowa is a bad idea. They have bad neighbor relations, health problems and are not good for the environment. We stand for localized family farm structure and agriculture. The economic benefits are tremendous. The consequence for large operations: economic and environmental problems, health issues and social problems. Shame on the state of Iowa for allowing this. It is out of control. We support the DNR in denying individual permits and the quality water rules. We need and want Clean Water. We need to work together and implement a moratorium for this state until local control is achieved.

MIKE DELANEY, President of the North Raccoon Watershed Association, which is a grass roots group of farmers, canoers, anglers, hunters, water quality testers and anyone wanting to clean up the Raccoon River watershed. Our organization started in April 2005 and we finished the year with 65 members. We conduct meetings along the river and canoe clean up trips. We are concerned about the untreated sewage entering the river and the high levels of ecoli, nitrates and phosphorus. They have negative effects on the fish and other wildlife. We are concerned with the drinking water and the large effect that it's having on the Mississippi River. We know that pollutants are from many sources, but we are interested in all attempts to help clean up the river and the watershed. According to Tom Harkin, taxpayers subsidized farming in Iowa at over \$80 per acre. The public deserves some constructive response for the commodity groups and others who are involved in agriculture in Iowa. We are concerned with the recreational use of the waters and our reputation of Iowa. The Raccoon River is a valuable resource for all of us. It's not a sewer. We are concerned about not only keeping our young in Iowa but attracting new folks. The state is beautiful but our reputation is suffering. Our water quality is declining. If the components of clean water were to have their way and block all attempts to clean our water and air, what would members do? I do appreciate your efforts with the rules and ask that you help enhance the stewardship of our state.

ELDON MCAFEE, representing a number of agricultural organizations including the Iowa Pork Producers Association (IPPA), Iowa Poultry Association (IPA), Iowa Cattleman's Association (ICA) and Crop producing organizations.

On behalf of the Pork Producers Associations, I would like to reiterate that the board of directors is strongly opposed to the proposed rule regarding the department's discretion over proposed confinement operations. The rule is subjective and would override objective standards developed over the past ten years by the legislator, DNR and this Commission. The rule is vague. Because it applies to proposed operations we believe that it removes the management component from environmental compliance. That is very important. Many department staff have emphasized to me and others (ISU experts) a lot of environmental management and environmental compliance is management related. If we are going to tell an operation before they ever build that even though they meet all the requirements of the law, that the department believes this is an unacceptable burden to the environment. We haven't given that operation a chance to show its management abilities.

The IPPA supports the comments filed by the Iowa Cattlemen's and the Iowa Poultry Association. IPPA have had several discussions with the department on the stream ordering concept and how it fits in the statutory requirement of the "mapping ability". The IPPA agrees that we don't believe stream ordering using the 4th order stream threshold meets the requirement of the statute to determine what is navigable therefore a major watersource. Therefore this rule does not comply with the statute.

We believe strongly that operations built when that stream was not on the list but was now added that it would make that distance of 1,000 feet (previously 500 feet) should be allowed to expand in the future. It should not depend on whether or not they had a permit application in or not. We are tying the hands of these folks, who at the time of law were in full compliance. In many issues, you don't have the authority grandfather in, but you do as a department have the

authority now. You do have authority as a Commission to grandfather in the operations while still complying with the statute.

-----End of Public Participation-----

HANCOCK COUNTY DEMAND FOR HEARING: OTIS FINISHER FARM

Randy Clark, Attorney for the Department of Natural Resources stated the following case:

The DNR received a demand for Hearing from the Hancock County Board of Supervisors after a Notice of Intent (permit draft) was issued on December 5, 2005 for the Otis Finisher Farm. The permit draft would authorize Otis Finisher Farm to construct two finishing barns (each 51' x 376' with 8' floor concrete pit) with a designed animal unit capacity of 2,000 (5,000 head). It is located in section 30, Orthel Township in Hancock County.

The Department had a response to the county's submission for a hearing. The distances to water source. The definition to water source means, lake, river, reservoir, creek, stream, ditch or other channel having definite banks with water. Grasswater ways are not generally considered as a water source. The Department had field office 2 visited the site, he looked at the water sources and anything that could be considered a water source to see if separation distances were met for the proposed site and for the application of manure. They succeed the 500 feet requirement from a water source. The Department does not believe that there is any basis for denying this application, it appears that all of the requirements have been meet. The concerns with diseases are a legitimate concern but there is no law dealing with diseases.

Karen Salie, Hancock County Attorney introduced the Board of Supervisors. (Sis Greiman, Jerry Lach and David Smith)

The Kirsch's farm site is located west of the proposed site with more residents to the South. In respect to the waterways, Hancock County determined that there are waterways in the area, though we are aware the Department has filed otherwise. It is still our contention that there are waterways in that area. There are a number of smaller streams, a grassy drainage strip and other water sources that lead to the Missouri Creek. These should be protected. The Hancock County Board of Supervisor is charged with protecting all of the citizens of Hancock County. This is the first application that we have appealed and there are a number of other applications that have went through. With this proposed site, it raises concern about protecting all of the citizens. The disease factor cuts both ways. The Kirsch's facility is an open air feedlot and with the new facility it would increase the potential for spreading diseases. The Kirsch's farm has been infected with the PRRs diseases, which could spread to the larger operation resulting in a mass amount of dead animals to dispose of.

We also have the issue of the roadways and whether or not maintenance could be upheld and the additional costs involved.

Both the Board and adjoining landowners would agree that another location would be more acceptable for consideration. The Board agreed that they would cover the application fee for

proposing a different site and waiving the deadlines. Mr. Kirsch said that he would pay for the application fee for Mr. Otis to reapply for another location. Throughout this entire process, it has not been the board's intention to block this facility from going on, but in opposition to the location and the disease issues. Hancock County is a very rural county and agriculture is one of our main industries.

We have made proposals for a different location, which would meet the separation distances required by law.

Donna Buell asked Karen to address the ownership issues.

Karen Salie said that the land was not owned by Mr. Thilges or Mr. Otis at the time of the application. There is no really demonstration on if there is a partnership or however they are going to operate it. It's hard for the County to determine what the ownership will be for the land. The title of the land is still Mr. Otis's father. There really isn't any established ownership by the applicants.

Randy Clark, DNR Attorney said that the applicant only needs to have the Offer to Buy the land.

Karen Salie said that this site does not better serve the citizens of Hancock County. They barely meet the requirements of the Matrix. There are a lot of impacts to the community that need to be considered by the Commission.

Lisa Davis Cook asked if the local legislators have been involved.

Karen Salie said that she doesn't believe that they've attended any meetings.

Donna Buell said that the legislators should be involved.

Henry Marquard said that we should be concerned with the contamination of the Missouri creek through waterways.

Eldon McAfee, Attorney representing Mr. Otis and Mr. Thilges.

Jim Otis said that they farm right through the waterway. The FSA aerial photo shows no indication of a stream. There is no water. There is a waterway in front of the house which you can see on the aerial but you can't see the anything of the sort in the field.

Jerry Peckumn asked Mr. Otis why this location?

Jim Otis said that we looked at every possibility logistically, but this looked like the best spot based on: wind direction, diseases and the fact that we can service a lot of acres without going on the road with the manure trucks. I farm on a major highway and a lot of manure traffic would have to take the highway if it were moved from this proposed location. The prevailing winds are out of the North and South and we thought by putting it directly East and West it would be best for the neighbors.

Jerry Peckumn said that it seems the one who is building the facility locates it as far away from their home as possible and not necessarily away from the neighbor's. Would it be close to any neighbors if you brought it down towards your house?

Jim Otis said that it would be right by mine, which I don't have a problem with. One of the requirements is that it's 1,000 feet from a residence. If in ten years I move away and were to try and sell my property or the building...I'm not looking to sell my property.

Jerry Peckumn said that it would be hard to sell your property. Is that right?

Jeff Vonk said maybe depending on the buyer. We are going down a road where we have no jurisdiction over Mr. Otis building site. He meets the statutory requirements and we are asking questions and raising concerns that is not up to the EPC's discretion to discuss. We do not have the authority. He meets the criteria and it's not our job to figure out the man's intent. If we want to change the law as a society at large, then you'll need to address these concerns to the legislators.

Eldon McAfee said that the Otis's are planning to plant trees along the edge of the site.

Jim Otis said that he's not putting this in to cause problems, my family is going to farm this.

Henry Marquard asked if there were is any legal authority that would show that Otis's shouldn't have their permit.

Karen Salie said that the ownership issues of the land would be the legal concern.

Eldon McAfee said that there is a legal offer to buy. As far as the exact structure of how the operation will be in a business relationship, that has not been finalized at this point. Jim Otis and Joe Thilges are both applicants but have not finalized the financial arrangements. Jim Otis has ownership of one portion of the land and the other portion has valid options to buy.

<i>Motion was made by Henry Marquard to approve the permit for Jim Otis. Seconded by David Petty.</i>

Lisa Davis Cook said that she can see and hear all of the County's arguments, but as Jeff said we don't have the authority to act outside of the statute. I do want the Board of Supervisors and Hancock County to know that your concerns are not any less valid or important, it's just that we/I can't do more than what we/I want to do.

Jerry Peckumn agreed.

Donna Buell said that if your neighbors are frustrated, they will be watching your operation. This is not being a good neighbor. Why would you set your self up?

David Petty said that in rural agriculture, if you have one more cow or one more piece of the land than the next person, you're considered a big farmer. In today's agriculture, the bigger you are there will be more people against you.

Mary Gail Scott encouraged Mr. Otis to do a better way to do this, then do it.

Roll call vote went as follows: Jerry Peckumn – aye; Lisa Davis Cook – aye; Suzanne Morrow – aye; David Petty – aye; Donna Buell – aye; Mary Gail Scott – aye; Francis Thicke – nay; Henry Marquard – aye. Motion carried.

PERMIT APPROVED

FINAL RULE - AMENDMENTS TO CHAPTER 135, TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS AND CHAPTER 134, CERTIFICATION OF GROUNDWATER PROFESSIONALS

Tim Hall, Geological and Land Quality Bureau Chief presented the following item.

Tim said that we need to go back and meet with stakeholders to work out their concerns and resolving them rather than adopting a rule just to have it in place.

We ask that you consider tabling this item until the next Commission meeting so our stakeholder's can stand up here and testify that we've worked through all of the issues.

Francis Thicke asked about the issue with loss funding if not passed today.

Tim Hall said that the Underground Storage Trust fund agreed to provide some dollars to support our current tank inspection program for this fiscal year. The fund administrator assured me today that even if we took two months we will still be okay. Realistically, we will probably bring this back in March.

Motion was made by David Petty to table this item until DNR brings it back before the Commission. Seconded by Donna Buell. Motion carried unanimously.

Henry Marquard said that the new rule should have some level of independence, like for instance Casey's General Store who is self insured.

TABLED

FINAL RULE – CHAPTER 61, WATER QUALITY STANDARDS (PROTECTED FLOW, GENERAL USE CLASSIFICATION CHANGES AND THE “REBUTTABLE PRESUMPTION” APPROACH)

Chuck Corell, Chief of the Water Quality Bureau presented the following item.

The Commission will be asked to approve a final rule to amend the state's water quality standards (WQS). The rule amendments, if approved, would:

- Eliminate the exceptions of the design low flow requirement.
- Revise the general use classification.
- Designate as Class B(WW-1) Warm Water – Type 1 all of Iowa's perennial rivers and streams and intermittent streams with perennial pools that are not currently designated.
- Designate as Class A1 – Primary Contact Recreational Use all of Iowa's perennial rivers and streams and intermittent streams with perennial pools.

The current use of the protected flow concept in conjunction with the implementation of Iowa's Water Quality Standards for Iowa's streams has not been demonstrated to protect aquatic life uses under critical low flow conditions and is thus inconsistent with EPA guidelines. The removal of the protected flow concept will more adequately protect aquatic life because the standard design low flows (1Q10, 7Q10 & 30Q10) will be associated with the implementation of the numerical criteria.

The current definition of general use segments allows discharges from wastewater treatment plants to be considered as general use segments. EPA guidance states that the presence of flow or pools in a stream which support a designated use must stand alone regardless of the source of that flow or pooled water.

All perennial rivers and streams or intermittent streams with perennial pools in Iowa not specifically listed in the Surface Water Classification will be Class A1, B(WW-1) waters, and will be protected for aquatic life and recreation. In addition, all current Class B(LR) streams will also be designated for Class A1 – Primary Contact Recreational Use. This is consistent with the national goal in the Clean Water Act that waters should be "fishable and swimmable" wherever attainable.

The Notice of Intended Action (NOIA) was published in the Iowa Administrative Bulletin on September 14, 2005 as **ARC 4504B**. Seven public hearings were held across the state throughout October 2005. Three hundred and eighty-one persons or groups provided oral or written comments on the proposed WQS revisions. A responsiveness summary has been prepared addressing the comments received in terms of the issues involved and the summary can be obtained from the Department of Natural Resources.

After all comments from the public hearings were considered, no modifications are made to the final amendments from those published in the NOIA.

Comments from stakeholder groups and other persons or organizations may be made at the Commission meeting regarding the rule changes. As discussed in the Responsiveness Summary, the Department believes that the rule changes will be protective of water quality and the uses being made of Iowa waters.

FINAL RULE – CHAPTER 61 – WATER QUALITY STANDARDS (USE DESIGNATION CHANGES AND WARM WATER PROTOCOL)

Charles C. Corell, Chief of the Water Quality Bureau presented the following item.

The Commission will be asked to approve a final rule to amend the state's water quality standards (WQS). The rule amendments, if approved, would:

- Change the current Class B(LR) use designation from Limited Resource Warm Water to Warm Water – Type 2 (Class B(WW-2)).
- Change the current Class B(WW) use designation from Significant Resource Warm Water to Warm Water – Type 1 (Class B(WW-1)).
- Add a new use designation titled Warm Water – Type 3 (Class B(WW-3)).
- Add a new use designation titled Human Health (Class HH).
- Incorporate by reference the document entitled “Warm Water Stream Use Assessment and Attainability Analysis Protocol,” which proposes an approach to be followed in assessing the warm water uses of streams.
- Establish Dissolved Oxygen, chemical, and ammonia-nitrogen criteria for the new proposed use designation of Class B(WW-3) at the same level that is associated with the existing Class B(LR) use designation.
- Transfer all existing Class B(WW) designated waters to the new Class B(WW-1) use designation.
- Transfer all existing Class B(LR) designated waters to the new Class B(WW-2) use designation.
- Incorporate the proposed use designation nomenclature into the text of the Water Quality Standards at numerous locations and into the applicable rule referenced documents.
- Add Class HH to Table 1, Criteria for Chemical Constituents and transfer all Human Health – Fish criteria for Class B(WW), B(LW) and B(CW) designated waters and Human Health – F & W criteria from Class C waters to Class HH.

The IDNR is adding a new warm water use designation (Class B(WW-3)) and modifying two warm water use designations, Class B(WW) and Class B(LR) to Class B(WW-1) and Class B(WW-2), respectively. The purpose of the modifications is to reflect the type or extent of uses by warm water aquatic species. Included in the proposed modifications to the standards are associated revisions to the criteria applicable to the proposed warm water use designations.

The IDNR is also adding a new Human Health use designation, Class HH. The new designation transfers the human health (consumption of fish) criteria associated with the existing Class B aquatic life designations to a separate use category. The same use protection and numerical criteria will still apply to all existing B(WW), B(CW), and B(LW) waterbodies. The new designation allows the human health criteria to be applied on any water body where appropriate regardless of the aquatic life designation.

The adopted amendments have been modified from those published in the NOIA, specifically changes to the rule-referenced document “Warm Water Stream Use Assessment and

Attainability Analysis Protocol” (hereafter, “the protocol”). The modifications were made after all comments from the public hearings were considered.

The changes to the protocol relative to the NOIA are as follows:

1) Modification to the language under Sections II. Surface Water Classification. The original protocol cited rule language provided in Chapter 61.3(1)b that did not reflect the changes made in the NOIA. Specifically, the words “of significance” has been deleted to be consistent with rule changes proposed for Chapter 61.3(1)b.

2) Additional language for guidelines for Class HH Human Health streams in Subsection V. E. A guideline for Class HH waters has been added to include “Game fish of harvestable size”. This provides additional clarification to what might be considered when determining the applicability of a Class HH use for specific water bodies.

The Notice of Intended Action (NOIA) was published in the Iowa Administrative Bulletin on September 14, 2005 as **ARC 4505B**. Seven public hearings were held across the state throughout October 2005. Three hundred and eighty-one persons or groups provided oral or written comments on the proposed WQS revisions. A responsiveness summary has been prepared addressing the comments received in terms of the issues involved and the summary can be obtained from the Department of Natural Resources.

Comments from stakeholder groups and other persons or organizations may be made at the Commission meeting regarding the rule changes. As discussed in the Responsiveness Summary, the Department believes that the rule changes will be protective of water quality and the uses being made of Iowa waters.

Chuck Corell addressed both water quality items together though they require separate actions.

We received 380 comments mainly relating to the cost. The number that we used was only an estimate and it was based on the worst case scenario. We thought it would be best to inform what the potential costs of this rulemaking could be. We will know more about the actual cost after we evaluate the stream and designate its use. The Clean Water Act does not allow us to consider costs when setting a water quality standard. We can consider cost when implementing that standard. As far as options, there are alternative technologies as long as it can show us that it will work to meet the standard. That in many cases can be a large hurdle. EPA allows us to grant variances. There are guidelines given by EPA on which we are to follow if that’s the way to go. Variances may be given to small towns, since they maybe financially incapable to cover the costs. This rule is intended to set goals for clean water. EPA is our partner in this.

The overall comments on this rule is that individuals are appreciative of the information and awareness to them but were not overly enthused with the rulemaking itself.

Donna Buell asked if a permit comes up for renewal and it’s a stream that has been designated as fishable/swimmable, and I believe I heard you say, that as part of the permit process a Use attainability (UAA) will be done. Can they require that to happen?

Chuck Corell said that it is our plan to have assessed a designated use for that stream before the permit is renewed. Whether that is a UAA or a use assessment is done, either way we want to be sure that before the permit is renewed that the effluent levels are based what we believe the appropriate level of protection for that stream is. We would like to have some kind of use assessment done before the permit is issued.

Henry Marquard said that some negative comments that he has received are due to the fact that DNR has many tasks to do and there are a lot of streams to assess. UAA studies could be difficult to be done on a stream. It could take a long time.

Chuck Corell said that there is no requirement that the DNR has to do the UAA. We do have the authority and responsibility to assign use designations. There are some requirements in the credible data statute on who can collect data.

This rule does not change how we currently regulate lagoons until we start putting water quality base limits in controlled discharge lagoons, even with these changes to the water quality standards, the permits will not change. The permits are good for five years. Currently, controlled discharge lagoons only have technology based limits. If they go to an irritated lagoon that discharges continuous then they get water quality base rules.

Mary Gail Scott asked why we don't look at a separate distinction for effluent dominated streams as a receiving water body. The Department's response is that the Clean water Act says that you can do most anything but that. I'm uncomfortable with that.

Chuck Corell said that the Clean Water Act says that we have to issue permits that protect water quality standards.

Mary Gail Scott said that you assume they do, but we don't test for nitrogen, bugs or DLs. All we test for is TSS and BOD.

Chuck Corell said that we do samples for that every time there is a discharge. The data is submitted to the field office with the information and when it last discharged.

Leo Alderman, Water Director for EPA Region 7 agreed with Chuck. We support the rules that are now under consideration. We have worked very closely with the State of Iowa over the last year to get these rules. I feel confident that these rules are approvable by EPA. I think that state has done a great job. We recommend that you approve the rules as presented.

Motion was made by Donna Buell to approve the final rule for Chapter 61 Water Quality Standards (Protected Flow, General Use Classification changes and "rebuttable presumption" approach) as presented. Seconded by Francis Thicke.

Henry Marquard proposed the following amendment to the motion: Effluent dominated streams defined generally as streams that would not flow except for discharge from a wastewater treatment plant are excluded from these rules. The Department shall develop additional definitions or criteria for determining if a segment of a river or stream is effluent dominated.

The Department shall develop regulations protecting a level of aquatic life appropriate for these streams. Until such time as these regulations are developed, these effluent dominated streams will be treated as general use streams as under existing regulation.

Donna Buell said that waste simulation is something that we are prohibited in creating a use category for and I believe that is what you're doing Henry. It couldn't be in more violation of the law.

Henry Marquard said that I would disagree. The EPA and western states have recognized this. There was a conference in October in Washington where this came up and the guidance from the folks in Washington was that a separate category for effluent dominated streams would be appropriate. I'm not saying that we don't protect effluent dominated streams, in fact, Chuck said that UAA's would in make changes on how they would be done. Let's recognize that these streams are different and that a separate use classification should be developed by the DNR.

Jerry Peckumn said that I don't have a lot of confidence that we will come up with a set of rules that is any better than what we have in using the Use Attainability Analysis.

Donna Buell said that there is no point to carve out an exception. This amendment is way too broad.

Leo Alderman recommended the Commission to not approve the amendment.

Henry Marquard asked why the EPA in Washington is okay with a separation of effluent dominated streams in western states.

Leo Alderman said that those states already have water quality standards, the state of Iowa has nothing. There are major differences between what's going on out West and here in the Midwest.

Mary Gail Scott said that we need to set the environmental philosophy of this state. We need to let people know that our waters are worth protecting.

Amendment dies due to the lack of a second.

Henry Marquard said that he supports the top-down approach but is troubled by the public comments that there is going to be minimal improvement to water quality considering the costs involved. We really need to realize and consider that the wastewater treatment costs, sewer costs, etc. I doubt that the legislature will allow this to go through because of the costs.

Jeff Vonk said that concerns over the cost are based on the estimates put out by the Department. Clearly this department doesn't know how much the total cost will be, but we are required to put out a cost estimate to the best of our ability. We have demonstrated effective, affordable and economical opportunities for small communities to come into compliance. We will see an improvement to water quality, though we are unsure of how to judge the level of impact compared to the cost. You may be accurate that the legislators will put these rules on hold as

they evaluate the content. I would encourage the Commission to adopt these rules. If we do not meet the dictates and standards that are set forward by the Clean Water Act, that there will be a lawsuit.

Henry Marquard said that there are problems with the rule and how effective it is in terms of what happens to the communities. There is a lot of assurance that DNR staff will find technological solutions that are affordable.

Roll call vote went as follows: Lisa Davis Cook – aye; Mary Gail Scott – aye; Donna Buell – aye; Francis Thicke – aye; Henry Marquard – aye; David Petty – nay; Jerry Peckumn – aye; Sue Morrow – aye. Motion carried.

Motion was made by Donna Buell to approve the final rule – chapter 61 water quality standards (Use designation changes and warm water protocol) as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

**FINAL RULE – CHAPTER 65 – TECHNICAL CORRECTIONS AND ADDITIONS TO
TABLE 1: MAJOR WATER SOURCES – RIVERS AND STREAMS**

Gene Tinker, of the Animal Feeding Operations Coordinator presented the following item.

The Commission is requested to approve final rules to amend 567 Iowa Administrative Code Chapter 65 – Animal Feeding Operations. The purpose of the amendments is to make technical corrections and additions to Table 1: Major Water Sources – Rivers and Streams. The current list has missing segments of some rivers and streams which will be corrected with these amendments. Fourth-order streams for all counties were added to the list in an effort to increase consistency across the state. Fourth-order streams are created when two third-order streams join. First-order streams are perennial streams, which carry water all year. The corrections and additions provide a more consistent and accurate representation of these water sources for the state.

ITEM 1. Amend rule 567-65.11(2) as follows:

Separation from surface intakes, wellheads or cisterns of agricultural drainage wells, known sinkholes, water sources and major water sources shall be as specified in Iowa Code section 459.310 and summarized in Table 6. For this requirement to apply, the major water source must be included in Table 1 at the end of this chapter at the time an applicant submits an application for a construction permit to the department or at the time a manure management plan is submitted if a construction permit is not required, or at the time construction of the animal feeding operation structure begins (as defined in 65.81 (1)) if a construction permit or manure management plan is not required.

A public hearing was held on December 1, 2005 and written comments were received. There was a request for grandfathering in operations. We are proposing a grandfather clause for current buildings, buildings that have been permitted or a MMP has been approved. It would not be for the entire site but for the facilities that are currently there. This is something asked by the Department not necessarily what the industry is asking for. There are twelve operations that will not meet the 1,000 foot distance from a major water source. Two are within a 1,000 feet of patches and ten are within 1,000 feet of 4th order streams.

Motion was made by Henry Marquard to approve the final rule – chapter 65 as presented. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – AMEND IAC 567 CHAPTER 105 – “ORGANIC MATERIALS COMPOSTING FACILITIES”

Ken Bouma, Energy & Waste Management Bureau presented the following item.

Attached for the Commission’s decision is a Notice of Intended Action to amend IAC 567—Chapter 105 “Organic Materials Composting Facilities.” This proposed rule revision is needed to address the increased use and awareness of livestock mortality composting by farmers as a management option. Also, there are other minor changes and corrections needed to update the chapter.

Composting methods to manage normal livestock mortalities are becoming more common. In the past year several variance applications have come into the Energy & Waste Management Bureau from farmers wishing to compost deads from multiple sites at one, centrally located facility. Such an activity requires a permit under the current rules.

The proposed revisions will eliminate the need for a permit to operate a centralized compost facility that is owned, operated, and serviced by a single farmer. Also, the revisions will provide well-defined operating parameters and allow Department compliance staff to more clearly enforce rule requirements for mortality composting.

Other proposed changes include updating appropriate sections to conform to the new 105.6, correcting for proper form number references, and making the Chapter more consistent with existing DNR policy.

Motion was made by David Petty to approve the NOIA – Chapter 105 as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION - AMENDMENT TO RULE REGARDING DEPARTMENT EVALUATION; DENIAL OF OR CONDITION OF CONSTRUCTION PERMITS OR DISAPPROVAL OR MODIFICATION OF MMPs FOR CONFINEMENT FEEDING OPERATIONS

Wayne Gieselman, Division Administrator of Environmental Services presented the following item.

The purpose of the proposed amendment is to extend the department's authority to evaluate construction permit applications and manure management plans for impact on natural resources or the environment and to prohibit construction in the proposed location or to deny or condition/modify applications or plans that are reasonably expected to result in specified impacts. The amendment will potentially increase the requirements necessary to obtain a construction permit or approval of a manure management plan, but also provides the opportunity to challenge the department's action in a contested case proceeding. We request that you approve this notice of intended action.

Public hearings will be scheduled sometime on or after March 7, 2006.

Francis Thicke said that open feedlots should be included in this rule considering what we've seen recently.

Wayne Gieselman said that we haven't add it but after receiving all comments it could be done unless you choose to include it.

Motion was made by Francis Thicke to include open feedlots. Seconded by Sue Morrow. Roll call vote went as follows: Donna Buell – aye; Francis Thicke – aye; Mary Gail Scott – aye; David Petty – nay; Jerry Peckumn – aye; Lisa Davis Cook – aye; Sue Morrow – aye. Amendment carries.

Wayne Gieselman said that we will work on the language to include open feedlots.

Randy Clark said that with confinements we regulate them more. Open feedlots is harder since we only have construction permits for the larger operations. Otherwise, we don't know about the others.

Motion was made by Donna Buell to approve the NOIA – regarding department evaluation of construction permits with the amendment. Seconded by Lisa Davis Cook. Donna Buell – aye; Francis Thicke – aye; David Petty – nay; Jerry Peckumn – aye; Lisa Davis Cook – aye; Mary Gail Scott – aye; Sue Morrow – aye. Motion carries with amendment.

APPROVED AS AMENDED

Deleted: :

Deleted: MANURE APPLICATOR
CERTIFICATION

Deleted: Wayne Gieselman

Deleted: ¶
Administrator

Deleted: Environmental Services
Division

REFERRALS TO THE ATTORNEY GENERAL

Edmund J. Tormey, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- Fred Miller, dba Earthworks Contracting (Cherokee) – Air Quality and Solid Waste

Ed Tormey said that Fred Miller called the Department last Friday and informed us that he is willing to cooperate and sign the order, so today I'm asking that you postponed referring Fred Miller to the Attorney General.

NO ACTION TAKEN

PROPOSED CONTESTED CASE DECISIONS

Edmund J. Tormey, Chief of the Legal Services Bureau presented the following item.

RICK NIKKEL

On October 29, 2004, the department issued Administrative Order No. 2004-AFO-112 to Rick Nikkel. The order required the payment of a \$3,000.00 penalty for failure to submit a manure management plan. That action was appealed, and a hearing on this matter was held on November 18, 2005.

A Proposed Decision was issued on December 16, 2005. The Proposed Decision affirmed Administrative Order No. 2004-AFO-112, including the assessment of an administrative penalty in the amount of \$3,000.00.

PATRICK JONES

On March 4, 2005, the department issued Administrative Order No. 2005-AFO-09 to Patrick Jones. The order required the payment of a \$1,500.00 penalty for failure to timely submit a

manure management plan. That action was appealed, and a hearing on this matter was held on November 21, 2005.

A Proposed Decision was issued on December 16, 2005. The Proposed Decision affirmed Administrative Order No. 2005-AFO-09, including the assessment of an administrative penalty in the amount of \$1,500.00.

RICK HALMA

On November 24, 2004, the department issued Administrative Order No. 2004-AFO-124 to Rick Halma. The order required Mr. Halma to pay a penalty of \$3,000.00 for failure to submit a manure management plan. That action was appealed, and a hearing on this matter was held on November 18, 2005.

A Proposed Decision was issued on December 16, 2005. The Proposed Decision affirmed Administrative Order No. 2004-AFO-124, including the assessment of an administrative penalty in the amount of \$3,000.00.

MATT GEHLING

On November 24, 2004, the department issued Administrative Order No. 2004-AFO-123 to Matt Gehling. The order required the payment of a \$1,500.00 penalty for removing manure from a manure storage facility without having an approved manure management plan. That action was appealed, and a hearing on this matter was held on November 21, 2005.

A Proposed Decision was issued on December 16, 2005. The Proposed Decision affirmed Administrative Order No. 2004-AFO-123, including the assessment of an administrative penalty in the amount of \$1,500.00.

There have been no appeals of these Proposed Decisions. In the absence of an appeal the Commission may decide on its own motion to review these Proposed Decisions. If there is no review of these Proposed Decisions, they automatically become final decisions of the agency.

NO ACTION TAKEN

PROPOSED RULE – CHAPTER 135 UNIFORM ENVIRONMENTAL COVENANTS POLICY AND PROCEDURES.

David Wornson, Attorney for the Department of Natural Resources presented the following item.

The Department proposes to amend Chapter 567 Iowa Administrative Code (I.A.C.) 135, entitled "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks" and Chapter 567 I.A.C. 137, entitled "Iowa Land Recycling Program and Response Action Standards". The proposed rules also establish a new Chapter 567 I.A.C. 13, entitled "Environmental Covenants". The amendments implement provisions of 2005 Iowa Acts, Senate File 375 (S.F. 375) which amends sections of Iowa Code chapters 455B and 455H (codified in 2005 Iowa Code Supplement) and creates a new Iowa Code Supplement Chapter 455I, entitled "Uniform Environmental Covenants Act." S.F. 375 establishes a new real estate instrument called an "environmental covenant" which may be used by owners of property, responsible parties and other interested parties, the Iowa Department of Natural Resources (Department) and other State and Federal regulatory agencies as a type of institutional control for the purpose of restricting land use activities and managing the risk of future exposure to existing contaminant conditions.

Iowa Code Supplement section 455B.474(1)(f)(4) authorizes the Commission to adopt rules regarding the application of institutional controls and specifically the use of environmental covenants created in accordance with Iowa Code Supplement chapter 455I as part of a Department approved corrective action plan at leaking underground storage tank (LUST) sites regulated under Commission rules in chapter 567 I.A.C. 135. Iowa Code Supplement section 455H.206 authorizes the use of environmental covenants created in accordance with Iowa Code Supplement chapter 455I as one form of institutional control to satisfy remedial standards under the Land Recycling Program (LRP) established in Iowa Code Supplement chapter 455H and implemented by Commission rules in chapter 567 I.A.C. 137. Iowa Code Supplement section 455B.103 grants the Director of the Department broad discretion to enter into environmental covenants and accept and maintain other types of real property interests.

These amendments remove prior references in chapter 567 I.A.C. 135 to the use of a common law deed restriction called a "restrictive covenant" which the Department has used as an institutional control prior to enactment of S.F. 375. These amendments remove prior references in chapter 567 I.A.C. 137 to an "environmental easement" which the Department had been authorized to use as an institutional control prior to enactment of S.F. 375. The amendments to chapters 567 I.A.C. 135 and 137 require that environmental covenants utilized in both the LUST and LRP programs conform to the standards established in a new chapter 567 I.A.C. 13 entitled "Environmental Covenants".

Iowa Code Supplement 455I.4(1) specifies certain general provisions, which must be included in an environmental covenant. Iowa Code Supplement 455I.4(2) grants the parties to the environmental covenant broad discretion to negotiate additional provisions. The proposed rules in new chapter 567-13 prescribe minimum standards and review procedures and clarify certain provisions, which must or may be included in an environmental covenant. The proposed rules

reserve the Department's authority to negotiate discretionary provisions on a case by case basis and identify some discretionary subject areas, which may be included in environmental covenants.

The proposed rules recommend the environmental covenant be drafted in accordance with a model form developed by the Department in order to achieve uniformity and more efficient review and approval. Covenants submitted using the model form and model language and in accordance with the rules would be granted presumptive approval when submitted to the Department for review. The rules provide flexibility by granting parties the option to propose revisions to the model form and language to satisfy the mandatory or discretionary provisions as stated in rule and expressed in the model environmental covenant forms.

The rules have proposed discretionary provisions which would give the Department authority to for example require notice of a change in property ownership, a substantial change in use of the property and notice of non-compliance with the activity and use limitation by subsequent transferees of the affected property. The Department is also proposing disclosure and reference to the environmental covenant in a groundwater hazard statement as provided in Iowa Code section 558.69 when the Department or the grantor determines that conditions on the affected property would require disclosures in a groundwater hazard statement as provided in Iowa Code section 558.69. This provision requires disclosure when the Department determines that a solid waste disposal site is "potentially hazardous" or if "hazardous waste" as defined exists on the site. The Department is specifically soliciting public comment on the general subject of what type of notices should be mandatory or discretionary provisions in an environmental covenant and under what conditions these notices might be required.

The proposed rules in chapter 567-13 describe the procedures for submittal and review of a proposed environmental covenant and minimum supporting information and documentation which must be provided the Department in order to review, approve and sign the covenant. The amendments provide that the Department will generally sign the environmental covenant in the capacity as an "agency" as defined and in Iowa Code Supplement 455I.2(2) and referenced in Iowa Code Supplement section 455I.3 without taking an interest in property as a "holder." However, the Department is reserving the discretion to sign on as a holder taking an interest in property. The Department is specially interested in comment from the legal community and others on these amendments and the general subject area of what quality and quantity of supporting documentation should accompany a draft covenant. The Department is specifically requests comment from the legal community as to whether there are legal or practical considerations that should be taken into account with regard to the question of whether the Department signs as a "holder" with an interest in property or in its capacity as an "agency" with all the enforcement and other rights granted by S.F. 375.

INFORMATIONAL

PROPOSED RULE - CHAPTER 64 – WASTEWATER CONSTRUCTION AND OPERATION PERMITS

John Warren, Environmental Specialist in the Water Quality Bureau presented the following item.

The notice of intended action for changes to Chapter 64 “Wastewater Construction and Operation Permits” is being presented to the Environmental Protection Commission for information. The amendment is intended to renew NPDES General Permit No. 5. This general permit authorizes wastewater discharges, excluding separate storm water discharges, from facilities primarily engaged in mining, quarrying, and further processing of dimension stone, crushed and broken limestone, and construction sand and gravel. The proposed rule would renew the general permit for another five years. NPDES General Permit No. 5 will expire on July 17, 2006. The amendment will modify section 64.15(5) to include a new effective date of the general permit.

The general permit itself shall be modified to include a fee requirement, which is currently going through rulemaking and will be added under section 64.16(3)(a)(5) should the rule be adopted. The general permit shall also be modified to add an additional limitation on coverage relating to the concentration of total dissolved solids (TDS) and chloride in the discharge from these facilities. In order to meet Iowa’s TDS standards that became effective in December of 2004, any discharge from potentially covered operations that has shown TDS concentrations that exceed 1,000 mg/L and/or chloride concentrations that exceed 230 mg/L shall not be authorized to discharge under this general permit. Rather, those facilities shall be required to apply for an individual permit.

General permits are appropriate for operations that are similar in nature as to the pollutants involved and the treatment needed. Wastewater discharges from mining and quarrying operations contain similar types and amounts of pollutants. The re-issuance of this general permit will benefit potential permittees by reducing the amount of information required in a permit application, eliminating the public notice requirement, and reducing the time needed to obtain a permit. The department will benefit from re-issuance of this general permit because of the reduced staff time needed to process the permit application.

This rule will be back in February as a Notice of Intended Action.

INFORMATIONAL

PROPOSED RULE – CHAPTERS 50-54 – WATER USE AND WATER ALLOCATION RULES

Chuck C. Corell, Chief of the Water Quality Bureau presented the following item.

The Commission will be asked to review a draft Notice of Intended Action to amend the following chapters of the Iowa Administrative Code (IAC):

Chapter 50: Scope of Division—Definitions—Forms—Rules of Practice

Chapter 51: Water Permit or Registration—When Required

Chapter 52: Criteria and Conditions for Authorizing Withdrawal, Diversion and Storage of Water

Chapter 53: Protected Water Sources — Purposes — Designation Procedures— Information in Withdrawal Applications — Limitations —List of Protected Sources

Chapter 54: Criteria and Conditions for Permit Restrictions or Compensation by Permitted Users to Nonregulated Users due to Well Interference.

This proposed rulemaking will be brought back to the Commission as early as next month. Approval to initiate rulemaking will be requested at that time.

These chapters pertain to the water use/water allocation program, which is a permit program that was administered by the Natural Resources Council until its merger in 1983 with the agency now called the Department of Natural Resources. Few changes have been made to the program or its rules since that time. Administratively, the rules are out-dated and changes are needed. The administrative updates include eliminating expired dates, updating references, eliminating obsolete sections, and clarifying existing language in the rules. Other changes to these chapters are proposed as follows:

- clarifying existing definitions, including correcting the definition of public water system usage to consumptive use (Ch. 50);
- adopting definitions for specialty and general crops (Ch. 50);
- updating forms and clarifying usage of the forms in the rules (Ch. 50);
- correcting the references to Iowa's Geological Survey, certified well contractor, and licensed professional engineer (all chapters)
- eliminating the requirement for the IDNR's Flood Plain Section to review a surface runoff plan at a rock quarry (Ch. 50);
- incorporating new legislation that requires water use permits for community public water supplies to be posted in the paper of largest circulation in the county as well as the paper nearest the locale of the permittee (to comply with new 2005 Iowa Code requirement) (Ch. 50);
- clarifying the water use permitting of cooling/heating systems using groundwater (Ch. 51);
- exempting public water system consumptive usage from the protected flow restrictions (Ch. 52);
- removing the protected streamflow at six listed "protected water use" locations (Ch. 52); and
- modifying the emergency conservation rules to be consistent with other sections of the administrative code (Ch. 52).

These preliminary amendments to the rules were presented to a water use stakeholder advisory group during one large-group meeting. Three small-group meetings were held to further discuss the proposed rule changes. The stakeholder advisory group was comprised of individuals representing a wide variety of stakeholders, including public drinking water organizations, energy production, cities, environmental interests, well drillers, aggregate (sand & gravel) producers, conservation interests, agribusiness (animal and crop production), irrigators, turfgrass production, golf courses, consulting engineers, federal geological service, and other state agencies. The initial large-group meeting notice was posted on the State of Iowa public notice

website, and the meeting presentations and handouts (including draft rules) were posted on the IDNR Water Use website.

INFORMATION

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
January, 2006

Proposal	Notice to Comision	Notice Publied	ARC	Rules Review Comittee	Hearing	Comment Period	Final Summary to comission	Rules Adopted	Rules Publishe d	ARC#	Rules Review Comittee	Rule Effective
1. Ch 20, 22 – Air Construction Permitting Exemptions	10/17/05	11/09/05	4651B	12/13/05	12/12/05	12/14/05	*2/13/06	*2/13/06	*3/15/06		*4/04/06	*4/19/06
2. Ch. 20, 21 and 34 – Adoption of Federal Clean Air Interstate Rule (CAIR)	12/19/05	*1/18/06		*2/07/06	*2/27/06	*2/21,22/06	*3/20/06	*3/20/06	*4/12/06		*5/09/06	*5/17/06
3. Ch. 23, 25 and 34 – Adoption of Federal Clean Air Mercury Rule (CAMR)	12/19/05	*1/18/06		*2/07/06	*2/27/06	*2/21,22/06	*3/20/06	*3/20/06	*4/12/06		*5/09/06	*5/17/06
4. Ch 40, 44, 90, 91, 92, 93 – Revisions to State	11/21/05	12/21/05	4770B	1/10/06	1/11/06	*1/11/06	*2/13/06	*2/13/06	*3/15/06		*4/04/06	*4/19/06

Revolving Fund Rules												
5. Ch. 61 – WQ Standards: Warm Weather Stream Use Designation Assessment Protocol	8/15/05	9/14/05	4504B	10/11/05	10/05, 10, 12, 14/05	10/28/05	1/17/06	*1/17/06	*2/15/06		*3/14/06	*3/22/06
6. Ch. 61 – WQ Standards: Protected Flow, General Use Classification Changes and the Rebuttable Presumption Approach	8/15/05	9/14/05	4505B	10/11/05	10/05, 10, 12, 14/05	10/28/05	1/17/06	*1/17/06	*2/15/06		*3/14/06	*3/22/06
7. Ch. 64 – Fee Collection for Wastewater Permits	10/17/05	11/09/05	4652B	12/13/05	11/29, 30/05 12/01/05	12/02/05	*2/13/06	*2/13/06	*3/15/06		*4/04/06	*4/19/06
8. Ch. 65 – Technical Corrections and Additions to Table 1 – Major Water Sources	10/17/05	11/09/05	4649B	12/13/05	12/01/05	12/01/05	1/17/06	*1/17/06	*2/15/06		*3/14/06	*3/22/06
9. Ch. 65 – Open Feedlot Regulations	8/15/05	9/14/05	4506B	10/11/05	10/04, 05, 06, 07/05	10/14/05	*2/13/06	*2/13/06	*3/15/06		*4/04/06	*4/19/06
10. Ch. 65 – Designated Wetlands	11/21/05	12/21/05	4771B	1/10/06	*1/19, 25, 26, 31/06	*2/01/06	*2/13/06	*2/13/06	*3/15/06		*4/04/06	*4/19/06
11. Ch. 65 – Evaluation, Denial of or Condition of Construction Permits or Disapproval or Modification of MMPs for Confinement Feeding Operations	1/17/06	*2/15/06		*3/07/06			*4/17/06	*4/17/06	*5/10/06		*6/06/06	*6/14/06
12. Ch. 101 – Solid Waste Comprehensive Planning Requirements	10/17/05	11/09/05	4650B	12/13/05	12/02/06	12/02/06	1/17/06	*1/17/06	*2/15/06		*3/14/06	*3/22/06
13. Ch. 105 – Organic Materials Composting Facilities	1/17/06	*2/15/06		*3/07/06			*4/17/06	*4/17/06	*5/10/06		*6/06/06	*6/14/06
14. Ch. 135 – Technical Standards and Corrective Action Requirements for Owners and Operators of USTs	4/18/05	5/11/05	4164B	6/14/05	5/31/05 6/1, 2/05	6/10/05	1/17/06	*1/17/06	2/15/06		*3/14/06	*3/22/06
15. Ch. 135 – Technical Standards and Corrective Action Requirements for Owners and Operators of USTs: Ch.	10/17/05	11/09/05	4653B	12/13/05	11/29, 30/05 12/02/05	12/02/05	*2/13/06	*2/13/06	*3/15/06		*4/04/06	*4/19/06

134 - Certification of Groundwater Professionals												
16. Ch. 144 - Household Hazardous Materials	12/19/05	*1/18/06		*2/07/06	*2/08/06	*2/08/06	*3/20/06	*3/20/06	*4/12/06		*5/09/06	*5/17/06
17. Ch. 211 - Financial Assistance for the Collection of Household Hazardous Materials and Hazardous Waste from Conditionally Exempt Small Quantity Generators; Ch. 123 - Regional Collection Centers and Mobile Unit Collection and Consolidated Center	10/17/05	11/09/05	4648B	12/13/05	12/05/05	12/12/05	1/17/05	*1/17/05	*2/15/06		*3/14/06	*3/22/06

Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions

During the period December 1, 2005, through December 27, 2005, 38 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Agri- chemical	Substance		Transport	Fixed Facility	Pipeline	Railroad	Mode	
			Petroleum Products	Other Chemicals					Fire	Other*
October	48 (52)	6 (2)	29 (29)	13 (21)	13 (17)	28 (27)	0 (2)	2 (2)	1 (0)	4 (4)
November	54 (68)	10 (14)	34 (33)	10 (20)	15 (21)	28 (34)	0 (1)	3 (2)	1 (0)	7 (10)
December	38 (48)	3 (7)	26 (27)	9 (14)	16 (17)	18 (22)	2 (3)	1 (2)	0 (0)	1 (4)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	140 (168)	19 (23)	89 (89)	32 (55)	44 (55)	74 (83)	2 (6)	6 (6)	2 (0)	12 (18)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
5	7	3	6	8	9

Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases

During the period December 1, 2005, through December 27, 2005, 2 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot Application	Confinement	Land	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	13 (15)	1 (0)	2 (6)	1 (6)	9 (3)	12 (13)	1 (2)	0 (0)	0 (0)	1 (2)
November	7 (9)	0 (2)	1 (4)	2 (1)	4 (2)	5 (6)	2 (2)	0 (0)	0 (1)	1 (1)
December	2 (2)	0 (0)	1 (2)	0 (0)	1 (0)	0 (2)	2 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	22 (26)	1 (2)	4 (12)	3 (7)	14 (5)	17 (21)	5 (4)	0 (0)	0 (1)	2 (3)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	2	0	0	0

DATE: January 1, 2006

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and

Field Office Number	Program	Alleged Violation	Action	Date
TOMA Properties, LLC Washington (6)	Drinking Water	Other Water – Well Plugging	Consent Order \$1,000	12/9/05
Pisgah, City of (4)	Wastewater	Compliance Schedule; Discharge Limits	Consent Order	12/14/05
Macksburg, City of (5)	Wastewater	Prohibited Discharge	Consent Order	12/14/05
Springbrook, City of (1)	Wastewater	Prohibited Discharge; Sludge Disposal; WQ Violation – General Criteria	Consent Order \$3,000	12/14/05
Terry Lee, Iowa Co. (6)	Solid Waste Air Quality	Illegal Disposal; Open Burning	Consent Order \$10,000	12/16/05
Paul Shimp; S & V Fence Co. dba S & V Fence & Deck Co. Eldridge (4)	Air Quality	Open Burning	Consent Amendment \$550/\$950 SEP	12/16/05
Casey's Marketing Co., (03-UT-11) Jefferson (2)	Underground Tank	UST System Deficiencies	Consent Amendment \$2,399.00	12/16/05
Casey's Marketing Co., (03-UT-07) Various Sites	Underground Tank	Leak Detection	Consent Amendment \$15,000	12/16/05
Casey's Marketing Co., (04-UT-12 thru 04-UT-16) Various Locations	Underground Tank	UST System Deficiencies	Consent Amendment \$18,101	12/16/05
Casey's Marketing Co., (03-UT-04; 03-UT-05; 03-UT-06) Various Locations	Underground Tank	Leak Detection	Consent Amendment \$4,500	12/16/05
Iowa Oil Co.; HRV Petro, LLC; Genesis Two Holdings, LLC Wright Co. (2)	Underground Tank	UST System Deficiencies	Consent Amendment \$3,000	12/16/05
Iowa Regional Utilities Assoc., Bremer Co. (1)	Drinking Water	Construction Without Permit; Construction Contrary to Permit	Consent Order \$8,400	12/19/05
Iowa Regional Utilities Assoc., Tama (5)	Drinking Water	Construction Without Permit	Consent Order \$8,000	12/19/05
Iowa Regional Utilities Assoc., Newton (5)	Drinking Water Wastewater	Construction Without Permit; Stormwater – Operation Without Permit; Pollution Prevention Plan Violations	Consent Order \$10,000	12/19/05
Delta, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Consent Order Stipulated Penalties	12/19/05
Martin Kruse; Kruse Dairy Farm, Inc., Dyersville (1)	Animal Feeding Operation	Separation Distance; Prohibited Discharge – Confinement; Failure to Report a Release; Water Quality Violations – General Criteria	Referred to AG	12/19/05
John Danker, Fort Madison (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Amendment \$5,000	12/20/05
Linwood Mining and Minerals, Davenport (6)	Air Quality	Other Violations	Consent Amendment	12/20/05
Interstate Power and Light Co., Lansing Station (1)	Wastewater	Compliance Schedule; Discharge Limits	Consent Order Stipulated Penalties	12/21/05
Stuart Yoder, Kalona (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Amendment \$3,500	12/21/05

Galen and Sharon Drent, Sioux Co. (3)	Animal Operation	Feeding	Failure to Submit Plan	Consent Order \$4,000	12/21/05
Dale Schumann, Buena Vista Co. (3)	Animal Operation	Feeding	Failure to Submit Plan; Prohibited Discharge – Confinement; Failure to Report Release	Consent Order \$4,000	12/29/05
Ron Fisher dba Ron Fisher Furniture, Marshalltown (5)	Air Quality		Construction Without Permit	Consent Amendment	12/29/05
Iowa State University Heating Plant, Ames (5)	Wastewater		Monitoring/Reporting; Discharge Limits	Consent Amendment \$1,500	12/29/05
Jack and Mary Hemmingson; Gold Key Motel Hampton (2)	Drinking Water		Monitoring/Reporting – Bacteria; Compliance Schedule; MCL – Bacteria; Public Notice	Order/Penalty \$5,215	12/30/05

**IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU**

DATE: January 1, 2006

TO: Environmental Protection Commission

FROM: Ed Tormey

SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
R & R Ranch (Osceola)	WW	10,000	8-30-00
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
Donald and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/S W	633	3-08-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
Peter Cook (Grand Mound)	AQ/SW	500	2-10-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03

	UT	32,690	2-28-03
U.S. PETRO, INC.; SSJG PETROLEUM; SUKHDEV SINGH			
	UT	44,900	2-28-03
MIDWAY OIL CO.; DAVID REQUET; JOHN BLISS			
Duane Crees (Muscatine Co.)	AQ/SW	963	3-01-03
Nevada, City of SEP	WW	3,000	3-14-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	3,000	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
* Jerry Feilen and Rick Bain	AQ/SW	133	12-15-03
(Pottawattamie Co.)			
Robert L. Nelson (Orient)	UT	2,450	12-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	10,000	3-22-04
Mike Phillips aka Jeff Phillips	AQ	5,000	3-27-04
(Cambridge)			
Interchange Service Co., Inc., et.al.	WW	6,000	5-07-04
(Onawa)			
R. Victor Hanks; Mobile World L.C.	WW	10,000	5-23-04
(Camanche)			
#*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Midway Water & Lighting Co., Inc.	WS	5,000	7-02-04
(Marion)			
Shane Preder (Ft. Madison)	AQ	1,000	7-12-04
James L. Heal d/b/a A-1 Domestics	SW/WW	1,800	7-16-04
(Homestead)			
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	2,875	9-01-04
Ranch Supper Club (Swisher)	WS	2,300	8-02-04
Ossian Agri Center, Inc. (Ossian)	WW/HC	2,000	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
#*James Boller (Kalona)	AFO	4,531	8-19-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04
# Doorenbos Poultry; Scott Doorenbos	AFO	1,500	10-09-04
(Sioux Co.)			
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Americana Bowl (Ft. Madison)	WS	100	11-28-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
# Doug Sweeny (O'Brien Co.)	AFO	750	1-02-05
# Dean Pedersen (Pocahontas Co.)	AFO	450	1-19-05
Valley Country Café; NOO Investment Co.	WS	5,000	2-18-05
(Cass Co.)			

Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
Roquette America, Inc. (Keokuk)	WW	10,000	3-04-05
Russell Knobbe; Knobbe Bros.; Mello Knobbe (Carroll Co.)	AQ	1,000	3-07-05
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	2,000	4-02-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
ARC Communities 8 LLC; Sunrise MHP (Newton)	WW	2,000	4-23-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
#*Dennis VanDerWeide (Sioux Co.)	AFO	500	6-01-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,658	6-06-05
Mehmert Tiling, Inc. (Cresco)	UT	10,000	6-10-05
* Dennis Gailey (Moorland)	AQ/SW	4,600	12-01-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
# Scott Antisdell (Carroll Co.)	AFO	750	6-21-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05
# Steve Grettenberg (Webster Co.)	AFO	500	7-02-05
David Carlisle (Ringgold Co.)	SW	3,500	7-23-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
Dr. Ed Cook (Cherokee Co.)	AQ	2,000	8-11-05
* Country Terrace Mobile Home Park (Ames)	WW	2,460	12-01-05
# Rick Renken (Plymouth Co.)	AFO	750	11-03-05
* Crest Country Inn (Iowa Co.) No. 2	WW	1,000	11-15-05
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	1,800	12-19-05
# Sunray Pork, Ltd.; Tweedie Finisher Farm (Pocahontas Co.)	AFO	3,000	12-06-05
* Paul Shimp & S & V Fence Co. (Eldridge)	AQ	2,450	12-09-05
* Fran Oil Company (Council Bluffs)(3 Admin. Orders)	UT	10,750	12-09-05
# Chad Arnold (Hamilton Co.)	AFO	2,000	12-10-05
#*E & N Farms, Ltd. (Lyon Co.)	AFO	2,600	12-15-05
* Olsen Fuel Supply, Inc. (Atlantic)	UT	2,500	12-18-05
Vernon Kinsinger (Washington Co)	SW	5,930	12-31-05
* Galen Drent (Boyden)	AFO	3,834	1-01-06
Iowa Oil Co.; HRV Petro; Genesis Two Holdings (Dubuque)	UT	2,000	1-16-06
#*Gary R. Johnson (Allamakee Co.)	AFO	3,000	1-15-06
Paul Shimp & S & V Fence Co. (Eldridge)	AQ	550	1-16-06
Iowa Regional Utilities Assoc.	WS	8,000	1-19-06
Iowa Regional Utilities Assoc.	WS	8,400	1-19-06
Iowa Regional Utilities Assoc.	WS/WW	10,000	1-19-06
* John Danker (Lee Co.)	AQ/SW	4,579	1-22-06
# Joel McNeil (Kossuth Co.)	AFO	2,500	1-21-06
#*Greg Gerber (Lyon Co.)	AFO	1,625	1-21-06
# Galen and Sharon Drent (Sioux Co.)	AFO	4,000	1-21-06
Stuart Yoder	AQ/SW	3,500	1-21-06
# Dale Schumann (Buena Vista Co.)	AFO	4,000	1-29-06

Iowa State University Heating Plant (Ames)	WW	1,500	1-29-06
#*Paul Rehder (O'Brien Co.)	AFO	2,625	2-01-06
* Crestview Mobile Home Park (Ames)	WW	5,000	2-01-06
Fertilizer Equipment Specialists, Inc. (Garner)	AQ/SW	1,000	2-07-06
Casey's Marketing Co. (5 locations)	UT	18,101	2-16-06
Casey's General Stores, Inc. (Various Locations)	UT	15,000	2-16-06
Casey's General Stores, Inc. (4 Locations)	UT	4,500	2-16-06
Casey's Marketing Co. (Jefferson)	UT	2,399	2-16-06
TOMA Properties, LLC (Washington)	WS	1,000	2-17-06
* Curt Kline; Connie Kline (Dunlap)	AQ	3,500	3-01-06
* Hull, City of	WS/WW	5,000	5-31-06
#*Dennis Kuehl (Cass Co.)	AFO	1,500	10-15-06
Environ. Egg Production; Iowa Ag Excavating (Wright Co.)	WW	5,000	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
Carl Cliburn (Wapello Co.)	AQ/SW	3,500	-----
Springbrook, City of	WW	3,000	-----
TOTAL		469,579	

The following cases have been referred to the Attorney General:

Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98

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Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Lindhahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Mark Buringrud fdbs Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	3,100	3-30-03
Mobile World LC (Camanche)	AQ/SW	10,000	5-30-04
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
# Trent Ellis (Calhoun Co.)	AQ/SW/AF	3,000	3-23-04

	O		
The Universal Assembly of Christians;	AQ/SW	10,000	
Marsha Leigh			
Pat Kelly d/b/a Kelly Construction	UT	1,860	6-22-04
(Denison)			
Roger Ginger d/b/a L & L Standard	UT	5,750	6-22-04
(Everly)			
# Jim Dos (Black Hawk Co.)	AFO	3,000	5-04-05
# Travis Aldag (Ida Co.)	AFO	3,000	8-17-04
S.K. Food & Gas, Inc.; Diwan LLC	UT	7,300	
(Davenport)			
S.K. Food & Gas, Inc.; Diwan LLC	UT	6,000	
(Davenport)			
TOTAL		260,430	

The following administrative penalties have been appealed:

AMOUNT	NAME/LOCATION	PROGRAM	
	Dallas County Care Facility (Adel)	WW	2,500
	Gerald and Judith Vens (Scott Co.)	FP	5,000
#	Iowa Select Farms, L.P.; AG Waste Consultants		
	(Hamilton Co.)	AFO	3,000
#	Dan Witt (Clinton Co.)	AFO	3,000
	Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
	Dallas County Care Facility (Adel)	WW	5,000
	Robert Ward (Lee Co.)	WW	1,450
	Partners Four Investments, Inc. (Marble Rock)	UT	5,280
	Kevin Wallerich (Keota)	SW/WW	500
#	Doug Wedemeyer (Adair Co.)	AFO	2,500
	Mt. Pleasant, City of	WW	500
	Charlotte Caves (Oskaloosa)	HC	10,000
#	Kenneth Dahlhauser (Whittemore)	AFO	2,500
	Stanley Siems (Hardin Co.)	AQ/SW	7,500
	Schell Family Partnership (Boone Co.)	HC/SW	5,000
	River City Development; Russell Hardy (Mason City)	UT	2,480
	Chelsea, City of	WW	3,000
#	Doug Osweiler (South English)	AFO	5,000
#	Ray Slach (Cedar Co.)	AFO	3,000
#	Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
#	Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
	Roger Eblen; Eblen Develop.; Duane Menke;		
	(Whispering Woods - Council Bluffs)	WW	10,000
#	Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
#	D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
#	Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
#	Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000

Country Living MHP (Altoona)	WW	5,000
Kent Kiburz (Humboldt Co.)	SW	2,500
Strawberry Point, City of	WW	10,000
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
# Jeff Holland (Winnebago Co.)	AFO	5,500
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
LeMars, City of	WW	9,000
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
# Terry Nibbelink (Sioux Co.)	AFO	1,500
# Clark Partnership; Dennis & Terrence Clark (Osceola Co.)	AFO	1,500
Alton, City of	FP	5,000
Maquoketa Shoreline Development; John Thola (Jackson Co.)	WW	10,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
# Randy Gergen; R & D Farms (Sioux Co.)	AFO	3,000
# John Hansen (Sioux Co.)	AFO	3,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
# Robin Hewer (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/W W	10,000
# James VerMeer (Sioux Co.)	AFO	3,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
Bill Schrock (Stockport)	SW/WW	2,000
# Dave Borchers (Plymouth Co.)	AFO	1,500
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	10,000
Gary Hart (Clinton)	AQ/SW	4,250
Rose Bartles (Glenwood)	AQ/SW	1,500
# Linn Grove Hatchery, Inc. (Buena Vista Co.)	AFO	3,000
Cedar Rapids, City of	WW	5,000
Goose Lake, City of	WS	1,000
# Monty Unkrich (Jefferson Co.)	AFO	3,000
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000
Leland Heisdorffer (Keokuk Co.)	AQ/SW/W	10,000

	W	
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
James Brown; Brian Stickney (Oto)	AQ	3,500
# Keith Kruse (Clay Co.)	AFO	1,500
# Puck Custom Enterprises, Inc. (Shelby Co.)	AFO	800
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300
# Jerry Vander Platts (O'Brien Co.)	AFO	3,000
# Matt Gehling (Carroll Co.)	AFO	1,500
Wayne Staab (Plymouth Co.)	AQ	1,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000
MKKS, LLC (Urbandale)	UT	4,600
MKKS, LLC (Windsor Heights)	UT	6,500
MKKS, LLC (West Des Moines)	UT	4,600
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Pleasant Hill, City of	WW	10,000
Lawler, City of	WW	3,000
# Rick Nikkel (Jasper Co.)	AFO	3,000
# Rick Halma (Lyon Co.)	AFO	3,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000
# Ivan Kenney (Guthrie Co.)	AFO	3,000
Randy Griffin (Jasper Co.)	AQ/SW	5,000
# Patrick Jones (Dickinson Co.)	AFO	1,500
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Colleen Weber (Mitchell Co.)	AQ/SW	1,500
Dirk Graves (Glenwood)	AQ	1,000
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112
Goettsch Trucking and Seed, Inc. (Galva)	HC	5,500
Reginald Parcel (Henry Co.)	AQ/SW	1,000
Paul Launderville; Midwest Tennis & Track (Denison)	AQ/SW	7,500
Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000
# Douglas J. Pudenz (Carroll Co.)	AFO	8,000
# Scott Lenz (Carroll Co.)	AFO	8,000
# William Mauw; Mauw's Egg Ranch (Sioux Co.)	AFO	3,000
# Randy Hauan (Winnebago Co.)	AFO	2,500
# Murl R. Hansen Farm Account, Inc. (Sioux Co.)	AFO	5,000
TOTAL		487,777

The following administrative penalties were paid last month:

AMOUNT	NAME/LOCATION	PROGRAM	
	Elkem Materials (Keokuk)	AQ	10,000
*	Galen Drent (Boyden)	AFO	166
#	David Kass (Plymouth Co.)	AFO	3,540
	Terry Lee; BLT Dirtwork (Iowa Co.)	AQ/SW	10,000
#	Dean & Sharon Gettler (Montgomery Co.)	AFO	3,000
#	Eischeid Farms (Carroll Co.)	AFO	3,000
#*E	& N Farms, Ltd. (Lyon Co.)	AFO	100
	Seabee Hampton Hydraulics (Hampton)	AQ	1,750

Dethmers Manufacturing Co. (Boyden)	AQ	1,000
* Hull, City of	WS/WW	5,000
* Country Terrace Mobile Home Park (Ames)	WW	110
* Roger Holland (Farmington)	WW	1,000
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	100
* Russell Barkema; K.R. Construction (Wright Co.) PAID	AQ/SW	500
Brett Hawthorne (Calhoun Co.)	SW	1,500
Iowa Oil Co.; HRV Petro; Genesis Two Holdings (Dubuque)	UT	1,000
Mitchell Town Pump; Gary Comisky	WS	420
#*Gary R. Johnson (Allamakee Co.)	AFO	500
#*Greg Gerber (Lyon Co.)	AFO	250
* John Danker (Lee Co.)	AQ/SW	138
# Peter Westra (Sioux Co.)	AFO	3,000
		49,074
	TOTAL	

The following penalty payments were collected by Revenue during the month of December.

Midway Oil Co.; David Requet (Davenport)	UT	1,075
* Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	148
* Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	182
* Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	457.50

TOTAL 1,862.50

Contested Cases

Date Rcvd	Name of Case	F. O	Action Apealed	Program	Assigned to	Status
4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Negotiating before filing.
11/07/01	Sir Fredericks, Inc.	5	Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty. Refer to DIA.

11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Tack*	Hearing continued. Settlement discussions with one party. Motion for default vs. Eblen filed 11/26/03 and granted 12/3/03. Motion to set aside default filed. 3/25/04 – FO met on-site with Eblen. Plan of action to be submitted.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Hearing continued to 2/10/06. Ward has hired a contractor to complete clean-up this fall.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 accepted high risk. Negotiating penalty as condition of completion of further corrective action. Meeting with RP and consultant 9/27/04.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another settlement letter to client.
9/03/02	Peter Cook	6	Order/Penalty	AQ/SW	Book	Settled. Awaiting clean-up and penalty payment. Sent to the Dept. of Revenue and

						Finance.
10/01/02	Stan Siems	2	Order/Penalty	AQ/SW	Tack	All tires have been removed. Solid waste to be removed by 10/31/05. Settlement offer sent 9/28/05.
10/02/02	Sioux City, City of	3	Permit Conditions	FP	Clark	4/30/04 – Dept. contacts City to confirm understanding that appeal will be withdrawn.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/HC	Tack	Tentative settlement reached 7/22/05.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornson	Appeal untimely. Tiered assessment completed. CADR/Tier 3 initiated. General terms of a penalty settlement reached.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	Negotiating before filing.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	Order/Penalty	AFO	Clark*	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03. 1/02/04 – DNR letter to attorney. 5/12/04 – Appellant's response.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	Order/Penalty	UT	Wornson	Settlement finalized. Awaiting penalty payment.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status. 10/05 – Status report requested from Dept. engineer. 11/05 – Facility upgrade completed. New NPDES permit requested for upgraded facility.
9/04/03	Easter Enterprises, Inc.	5	Order/Penalty	UT	Wornson	Compliance on non-penalty terms completed. Preparing settlement with non-appealing party, Rausch. Will dismiss Easter Enterprises, Inc. as a

						party.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
9/25/03	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
10/01/03	Casey's Marketing Co. UST#8606588, Jefferson	4	Order/Penalty	UT	Wornson	Settlement finalized. Awaiting penalty payment.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	Settlement conference scheduled.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	Settlement conference scheduled.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Settlement conference scheduled.
11/19/03	Ron Fisher Furniture	1	Amended Order	AQ	Schoenebaum	Case settled. Awaiting ruling on motion to dismiss.
11/20/03	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/21/03	Russell and Kay Barkema; K & R Construction	2	Order/Penalty	AQ/SW	Book	Consent amendment final. Payment plan on schedule.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
12/22/03	Pocahontas, City of	3	Order/Penalty	WW	Preziosi*	4/06/04 – Settlement offer by City. 4/13/04 – Offer accepted by DNR. 5/26/04 – Fish restitution paid. SEP has not been completed. 10/25/05 – Letter to appellant asking for status of SEP. Deadline for response is 11/15/05.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	Negotiating before filing.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/WW	Clark*	Meeting held 4/07/04.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/04	Tim Trostel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney

						regarding settlement.
3/16/04	Axtell Finishers; James Axtell	2	Order/Penalty	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
4/16/04	Ben Haven Mobile Home Park	1	Order/Penalty	WS	Clark	Negotiating before filing.
4/19/04	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/23/04	Curt Kline; Connie Kline	4	Order/Penalty	AQ	Preziosi	Consent amendment signed 10/24/05. Amendment contains penalty payment schedule.
5/04/04	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Negotiating before filing.
5/06/04	Terry Nibbelink	3	Order/Penalty	AFO	Clark	Collection letter sent 12/14/05.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/13/04	Allen Hoeper	1	Order/Penalty	AFO	Clark	Default issued. Collection letter sent 12/14/05.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	Negotiating before filing.
5/25/04	CDI, LLC	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/28/04	Maquoketa Shoreline Development, Inc.	1	Order/Penalty	WW	Tack*	Negotiating before filing.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Negotiating before filing.
6/11/04	Long Branch Maintenance Corp.	4	Order/Penalty	WS	Hansen	7/15/04 – Informal meeting to discuss settlement. Attorney for WS to respond by 8/27/04. 11/10/04 – Full penalty paid and letter from WS's engineer submitted. Dept. engineer determined that letter did not meet Dept. requirements for an engineering report. Hearing re-set for 9/16/05. Settlement meeting set for

						7/27/05. Meeting held – proposed consent order discussed. Hearing rescheduled for 11/08/05. 11/05 – Further negotiations on consent order. Hearing continued to 1/24/06.
6/18/04	CDI – Charles City	2	Title V Permit Determination	AQ	Preziosi	Negotiating before filing.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Tack*	Negotiating before filing.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hewer	6	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
6/28/04	Marvin Bates	6	Order/Penalty	AQ/SW/WW	Tack	Site visit scheduled for 12/08/05.
7/15/04	Dean and Sharon Gettler	4	Order/Penalty	AFO	Book	8/15/05 – Referred to AG.
7/26/04	Randy Gergen	3	Order/Penalty	AFO	Clark	Hearing set for 8/29/05. No petition filed. Default entered.
8/02/04	James Vermeer	3	Order/Penalty	AFO	Clark	Hearing rescheduled for 1/13/06.
8/02/04	Dennis Rowenhorst	3	Order/Penalty	AFO	Book	Hearing scheduled for 1/13/06.
8/06/04	Eldora, City of	1	Permit Conditions	WW	Hansen	WW Permits drafted NPDES permit with revised permit limits and compliance schedule. Legal Services to draft amended order with interim limits.
8/26/04	Jim Schmitz	3	Order/Penalty	AFO	Clark	Penalty paid. Case closed.
9/01/04	Iowa State University	5	Order/Penalty	WW	Hansen	New permit drafted resolving issues raised in appeal. Consent order to be issued with schedule. 11/05 – Consent order drafted.
9/01/04	Marvin Maassen; Maassen & Sons	3	Order/Penalty	AFO	Book	Hearing scheduled for 1/13/06.
9/03/04	David Borchers	3	Order/Penalty	AFO	Book	Collection letter sent 12/22/05.
9/14/04	Bill Schrock	6	Order/Penalty	WW/SW	Tack	Negotiating before filing.
9/29/04	EnviroBate	4	Order/Penalty	AQ	Book	Waiting on response from company.
10/04/04	Rose M. Bartles	4	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
10/08/04	Goose Lake, City of	6	Order/Penalty	WS	Hansen	To be set for hearing.
10/12/04	Gary Hart	6	Order/Penalty	AQ/SW	Tack	Cleaning up property.

10/13/04	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
10/14/04	Linn Grove Hatchery	3	Order/Penalty	AFO	Book	Hearing rescheduled for 11/29/05.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	To be set for hearing.
10/21/04	Eugene Kramer	1	Permit Denial	WR	Clark	Negotiating before filing.
10/26/04	Monty Unkrich	6	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
10/26/04	S & V Fence & Deck Co.	6	Order/Penalty	AQ	Book	Awaiting final portion of SEP.
10/26/04	Puck Custom Enterprises; Natural Pork Production	4	Order/Penalty	AFO	Tack	Settlement meeting to be set.
11/02/04	Mike Elsbernd	1	Order/Penalty	AFO	Book	Hearing rescheduled for 12/06/05.
11/09/04	Donald Hopp	4	Order/Penalty	SW	Tack	Consent order signed and penalty paid. Clean-up to be completed by 1/31/06.
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	Negotiating before filing.
11/30/04	James Brown	3	Order/Penalty	AQ	Book	Settled. Consent order with Director for signature.
12/06/04	Keith Kruse	3	Order/Penalty	AFO	Clark	Hearing scheduled for 11/21/05.
12/06/04	Jerry Vander Platts	3	Order/Penalty	AFO	Book	Hearing rescheduled for 1/6/06.
12/10/04	IPSCO, Inc.	6	Permit Conditions	AQ	Preziosi	Set for hearing 12/19/05.
12/17/04	Greg Gerber	3	Order/Penalty	AFO	Book	Hearing held 9/19/05. Order and penalty affirmed. Payment plan in place.
1/03/05	Paul Rehder	3	Order/Penalty	AFO	Clark	Settled. No hearing held. Payment plan established.
1/04/05	Matt Gehling	4	Order/Penalty	AFO	Clark	Hearing held 11/21/05. Order and penalty affirmed.
1/05/05	S.J. Louis Construction	5	Order/Penalty	WW	Hansen	To be set for hearing.
1/06/05	E & N Farms	3	Order/Penalty	AFO	Clark	Settled. Payment plan on schedule.
1/07/05	Wayne A. Staab	3	Order/Penalty	AQ	Preziosi	EPC ruled on 9/19/05. No further appeal.
1/14/05	Russell Knobbe dba Knobbe Bros. Feedlot; Mello Knobbe	4	Order/Penalty	AQ	Preziosi	Hearing set for 10/7/05.
1/18/05	MKKS, LC (5 sites)	5	Order/Penalty	UT	Wornson	Settlement conference scheduled for October.
1/20/05	Pleasant Hill, City of	5	Order/Penalty	WW	Hansen	4/08/05 – Meeting with City regarding appeal and settlement. City made settlement offer regarding penalty. Offer rejected by DNR. City to provide further response by 5/05. No response received. To be set for hearing.

1/20/05	Monty Branstad	2	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
1/24/05	Lawler, City of	4	Order/Penalty	WW	Hansen	Negotiating before filing.
2/04/05	Honey Creek Campground	4	Order/Penalty	WW	Hansen	10/05 – To be set for hearing.
2/14/05	Rick Halma	3	Order/Penalty	AFO	Book	Hearing held 11/18/05. Order and penalty affirmed.
2/16/05	Rick Nikkel	5	Order/Penalty	AFO	Book	Hearing held 11/18/05. Order and penalty affirmed.
2/17/05	CDI, LLC	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/24/05	Mt. Joy Mobile Home Park	1	Order/Penalty	WW	Hansen	Negotiating before filing.
3/03/05	Ivan Kenney	4	Order/Penalty	AFO	Clark	Hearing held 10/24/05. Decision and penalty affirmed.
3/08/05	Randy Griffin	5	Order/Penalty	AQ/SW	Tack	Clean-up underway.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC 05-UT-02/Brady St., Davenport 8606991	6	Order/Penalty	UT	Wornson	Refer to DIA to be set for hearing.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC 05-UT-02/Brady St., Davenport 8606991	6	Order/Penalty	UT	Wornson	Refer to DIA to be set for hearing.
3/23/05	IPSCO (Muscatine)	6	Permit Conditions	AQ	Preziosi	Set for hearing 12/19/05.
3/23/05	Patrick Jones	3	Order/Penalty	AFO	Book	Hearing held 11/21/05. Order and penalty affirmed.
3/25/05	Genesis Two Holdings	1	Order/Penalty	UT	Wornson	Settlement finalized. Awaiting penalty payment.
3/25/05	Hoover Land Corp.	2	Order/Penalty	WS	Hansen	Negotiating before filing.
3/25/05	Colleen Weber	2	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
3/31/05	William Butterfield	2	Order/Penalty	AQ/SW	Preziosi	Settled. Consent amendment signed 10/07/05. \$2,400 penalty due on 11/17/05.
4/04/05	Ruby Field; Ed Grafke	6	Order/Penalty	UT	Wornson	Settlement conference 10/27/05. UST closed in Dec., reserved penalty settlement.
4/05/05	Dirk D. Graves	4	Order/Penalty	AQ	Tack	Clean –up underway.
4/15/05	Reginald Parcel	6	Order/Penalty	AQ/SW	Preziosi	Hearing set for 4/15/06.
5/02/05	Goettsch Trucking and Seed Co.	3	Order/Penalty	HC	Wornson	Negotiating before filing.
5/12/05	Atlantic, City of	4	Order/Penalty	AQ/SW	Preziosi	Consent order signed 9/16/05. \$8,000 penalty due by 10/16/05. Penalty has not been received.
5/20/05	Midwest Tennis & Track	4	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5/25/05	Iowa Quality Beef Cooperative	5	Order/Penalty	WW	Hansen	Negotiating before

						filing.
8/05/05	Scott Lenz	4	Order/Penalty	AFO	Book	Meeting scheduled for 1/11/06.
8/11/05	Douglas Pudenz	4	Order/Penalty	AFO	Book	Meeting scheduled for 1/11/06.
8/22/05	William Mauw; Mauw's Egg Ranch	3	Order/Penalty	AFO	Book	Negotiating before filing.
10/05/05	Stuart Yoder	6	Order/Penalty	AQ/SW	Book	Settled. Awaiting consent amendment.
11/03/05	Randy Hauan	2	Order/Penalty	AFO	Book	Settled. Consent amendment with Hauan for signature.
11/21/05	CDI, LLC	2	Construction Permit	AQ	Preziosi	New case.
11/29/05	Murl R. Hansen	4	Order/Penalty	AFO	Book	New case.

**Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes**

During the period December 1, 2005 through December 27, 2005, 3 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '05	11(9)	0.672	0.691	3	0(0)
November '05	7(11)	0.167	0.045	2	0(0)
December '05	3(7)	0.038	0.017	1	0(0)
January '05	6(5)	0.222	0.057	0	0(0)
February '05	9(10)	5.063	0.049	4	0(0)
March '05	9(7)	0.831	0.032	1	0(0)
April '05	14(8)	0.359	0.087	5	0(0)
May '05	18(9)	0.138	0.003	3	0(0)
June '05	7(7)	0.262	0.068	0	0(0)
July '05	5(3)	0.454	0.004	3	0(0)
August '05	8(13)	0.072	0.019	3	0(0)
September '05	3(5)	0.361	0.003	0	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
2	0	0	0	0	1

<p align="center">Monthly Variance Report</p> <p align="center">January 2006</p>						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Matt Leichty	Energy & Waste Management		Animal Mortality Composting	Approved	12/16/05
2	City of Coralville	Water Quality	Howard R. Green Co.	Sanitary Collection System	Approved	12/22/05
3	Elkport/Garber Community Club	Flood Plain Development		Minimum level of flood protection criterion	Denied	12/13/05
4	Central Iowa Renewable Energy	Air Quality		Temporary Corn Burning	Approved	12/22/05
5	Zimmerman CREP Wetland Structure	Flood Plain	Sunquist Engineering	Freeboard design storm criterion	Approved	12/22/05
6	East Fork of Grand River Watershed Sites A-55	Flood Plain	NRCS	Principal spillway design storm criterion	Approved	12/15/05
7	East Fork of Grand River Watershed Sites A-71 and E-30	Flood Plain	NRCS	Principal spillway design storm criterion	Approved	12/14/05
8	Central Iowa Renewable Energy	Air Quality		Temporary load-out by truck	Approved	12/21/05
9	City of Coralville	Wastewater	Howard R. Green Co.	Sanitary Collection System	Denied	12/20/05
10	River Highlands Subdivision	Water Supply	Robert Lundholm, P.E.	Use of ASME certified hydropneumatic tanks	Denied	11/29/05
11	City of Bloomfield	Water Supply	French-Reneker-Associates, Inc., David Fredericks, P.E.	Air scouring system installation & filter media replacement	Approved	11/30/05
12	City of Keosauqua	Air Quality		Uncontrolled burn site	Denied	12/14/05
13	First State Tire Recycling Waste Tire Hauler	Energy & Waste Management	Monte Niemi, First State Tire CEO	Waste Tire Management	Approved	12/05/05
14	SAR Biomass Energy Systems LLC	Air Quality		Operation of corn-burning heater	Approved	12/01/05

15	City of Seymour	Wastewater	Garden and Associates	Pump Replacement Project	Approved	11/30/05
16	Living Hope Community Church	Water Supply	Stanley Hrupek, HGM Associates, Inc.	Use of non-ASME pressure tanks	Approved	11/22/05

GENERAL DISCUSSION

Wayne Gieselman noted the following:

- The legislature cut out \$200,000 from the UST funding about three years ago and it has not yet been restored, so tank funding issues have been a concern.
- We denied a floodplain application near Garner.
- The open feedlot rules will be back in February.

Donna Buell asked if there are some simple best management practices that could be implemented for air quality control.

Wayne Gieselman said that the DNR website has a BMP report by Iowa State University and the University of Iowa on confinement facilities. <http://www.iowadnr.com/air/afo/afo.html>

NEXT MEETING DATES

February 20, 2006

March 20, 2006

ADJOURNMENT

Motion was made by Lisa Davis Cook to adjourn the meeting. Seconded by Donna Buell. Motion carried unanimously.

With no further business to come before the Environmental Protection Commission, Vice Chairperson Jerry Peckum adjourned the meeting at 4:50 p.m., Monday, January 17, 2006.

Jeffrey R. Vonk, Director

Darrell Hanson, Chair

Lisa Davis Cook, Secretary

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